

EQUITY AND LAW LIFE ASSURANCE SOCIETY, 18, LINCOLN'S INN FIELDS, LONDON, W.C.

Whole-world policies in most cases free of charge.
Policies indisputable and unconditional.

SPECIMEN BONUSES.

Actual additions made to Policies of £1,000 effected under Tables I. and II.

Age at Entry.	NUMBER OF PREMIUMS PAID.				
	Five.	Ten.	Twenty.	Thirty.	Forty.
30	£ s.	£ s.	£ s.	£ s.	£ s.
30	103 0	191 10	431 0	736 0	*1,022 0
35	112 0	211 0	464 10	*819 0	*1,167 0
40	124 0	234 0	525 10	*939 10	*1,343 10
50	147 0	276 10	*636 10	*1,126 0
60	197 10	372 0	*836 10

EXAMPLE.—A Policy for £1,000, effected 30 years ago by a person then aged 30, would have increased to £1,819, or by more than 80 per cent.

In the cases marked * the Bonuses, if surrendered, would be more than sufficient to extinguish all future premiums, and the Policy-holders would still be entitled to share in future profits.

Cases Reported this Week.

Concha v. Marietta..... 793
Harrison v. Goodland..... 793

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The Solicitors' Journal and Reporter.

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CURRENT TOPICS.

WE INTIMATED last week the probability of the retirement of Mr. Registrar KOE, and we now learn that his resignation has been sent in this week. Mr. C. E. FARMER, the principal clerk to the registrars, who has for some months acted as deputy to Mr. KOE, is the next in succession for the office of registrar.

ON REFERENCE to the lists of appeals it will be seen that the earliest of the appeals from the Chancery Division was set down on the 30th of May, and that the earliest of the appeals from the Queen's Bench Division was set down on the 2nd of April, and that there are in the Chancery list two appeals from decisions given in the vacation.

AT THE LORD CHANCELLOR'S reception on Thursday there was a notable assembly of judges, officers of the courts, and Queen's counsel. Much regret was expressed about the sad event which caused the absence of Mr. Justice KAY. The date of the learned judge's return to court is not yet fixed, but it is anticipated that he will not resume his sittings until after an interval. The absence of Mr. Justice NORTH from the reception, and also from the court on the same day, was, if we may be permitted to say so, only what the profession is now accustomed to.

THE LONDON STOCK EXCHANGE list is, we believe, a document on which men of business place much, and generally well-founded, reliance. Some of our readers will doubtless be surprised when we state that it contains a very neat trap into which the most careful trustee may unwittingly fall. The Trust Investment Act, 1889, authorizes investments "in the stock of any railway or canal company in Great Britain or Ireland whose undertaking is leased in perpetuity or for a term of not less than 200 years at a fixed rental to" certain railway companies. The Stock Exchange List contains a separate heading of "Railways Leased at Fixed Rentals." It is pointed out by Mr. ELLIS in his capital book on Trustees' Investments that many of the railways mentioned in the list are not leased at all. In some cases the company in whom the railway is now vested pays a fixed dividend to the shareholders of the company who made the railway, whether that company has been amalgamated with the former company or is still existing, but nothing in the nature of a lease or conveyance at a fixed rental has been made. It appears to follow that a trustee who, on the

faith of the statement in the list that the line is leased at a fixed rental, invests in the shares of a company whose shareholders are in this position commits a breach of trust.

THE SITTINGS commenced on Thursday afternoon with the customary formalities, and in some of the courts at least business was taken up at once in a serious manner. No Queen's Bench courts sat for the trial of actions, but two divisional courts were kept busy all the afternoon. In one of these FIELD and MANISTY, JJ., sat, while in the other Mr. Baron HUDDLESTON was fortunately able to resume work after his protracted absence from the bench. His companion was Mr. Justice MATHEW, and for a considerable time they had the pleasure of listening to a suitor in person. Seeing one of them turning over the leaves of the Annual Practice—not an unnatural thing for a first afternoon—the litigant suggested that perhaps their lordships were not acquainted with the procedure, and he should be happy to enlighten them. At a later period, after a long pause, when he was asked if he had anything more to say, he startled the court by remarking that the strength of his case lay in what was yet to come, and he proceeded to shew how it consisted of three chief phases with many minor points to which attention might be called. In the Chancery Division STIRLING, CHITTY, and KEKEWICH, JJ., sat and heard motions for a short time, but all the courts had risen by three o'clock. The last named judge sat for Mr. Justice KAY. The two Courts of Appeal both sat, and had important business before them. In Court No. 1 the Lord Chancellor was side by side with the Master of the Rolls, and these two were supported on either hand by LINDLEY and LOPES, L.JJ. In the course of the afternoon Mr. JEUNE mentioned the Bishop of LONDON's case, and it was directed to stand over till the Attorney-General and Sir HENRY JAMES had arranged a time mutually convenient to themselves. All the courts and their approaches were thronged with visitors, but it is doubtful whether the head-gear donned by judges and Queen's Counsel inclined them more to reverence or to mirth.

AN EMINENT parliamentary draftsman, who has retired from the bar, used to say that an Act of Parliament ought to be framed as simply as the rules of a cricket club. The advice is excellent, but few draftsmen can follow it. It sometimes happens that in aiming at brevity they forget the confession of the Latin poet: "*Brevis esse laboro, obscurus fio.*" The Trust Investment Act, 1889, is on the whole well drafted, but in one instance at least clearness is sacrificed to brevity. The draftsman has, however, some excuse: the very form of words to which we take exception occurs, with the important exception of the word "each," in the Settled Land Act, and, so far as we know, it has not yet given rise to any difficulty. "Having during each of the ten years last past before the date of the investment paid a dividend" [of a specified amount] are words which occur more than once in the recent Act, and it is extremely difficult to guess what they mean. There are three possible constructions. (1) The last of the ten years may end at midnight on the day preceding that on which the investment is made. This construction appears to satisfy the words of the Act, but it leads to a somewhat absurd result. Railway dividends are not always paid on the same day of the year, in fact it is impossible that they should, owing to the occurrence of Sunday. Therefore it may happen, if the investment is made about the time of year at which a half-yearly dividend is paid, that on one occasion within ten years the dividend was paid on a day later in the year than the day of investment, so that only one half-yearly payment was made in one of the ten years; hence the total dividend for that year may be less than the amount stated in the Act, though the total dividends for two consecutive years may exceed double that amount. (2) The last of the ten years may end on the 31st of December immediately preceding the investment. It is just possible that some companies may habitually pay their dividends at the end of the year, and that on some occasion they may not have paid them till the beginning of the year following. If this is the case, such company will, if this construction be correct, not fall within the Act. (3) "Year" may mean financial year. If this construction is correct, it must be remembered that the second dividend is sometimes declared within, though paid after, the end of the financial

year, and a question may arise whether "paid" may not mean "declared" followed by actual payment.

WE PRINT elsewhere a letter from a correspondent which raises an interesting point as to the effect of the Probate Rules of March, 1887, upon a husband's claim to non-separate property under the law previous to the Married Women's Property Act, 1882, which his wife purports to have disposed of by her will. It seems quite clear that under the above rules, as construed in *Re Homphray* (12 P. D. 138n), the grant of probate of the will can no longer be limited to such property as the testatrix had a right to dispose of, but must be in a general form, and will therefore include all property which her husband has not reduced into possession. The result is that her executor will take property to which it can hardly be denied that her husband is at least beneficially entitled. It is true that his claim was originally to take out administration to his wife, and then, having got possession of her property, to retain it for himself; but his absolute title to it became so thoroughly established that it by no means depended on the fact of his being administrator. Thus, where he survived his wife, and then died before reducing all her *choses in action* into possession, it was held in *Humphrey v. Bullen* (1 Atk. 458), that though the wife's administrator *de bonis non* was at law entitled to the property in preference to the administrator of the husband, yet the former was to be regarded in equity as a trustee for the latter. In that case Lord HARDWICKE, C., said that the husband had an absolute right to the property by surviving his wife, and his administrator ought to have the benefit of it. It would seem as though a similar course might have been followed in *Smart v. Tranter* (37 W. R. 213, 40 Ch. D. 165), to which our correspondent refers. If under the rules the husband has lost his right of administration, then, on the analogy of *Humphrey v. Bullen*, whoever does, by the grant of probate, get possession of the wife's non-separate property ought to be treated as trustee for him. On the other hand, it might be urged that the rules cannot interfere with the husband's long-established claim to administer to all property not duly disposed of by the will, and that, therefore, Mr. Justice KAY was right in *Smart v. Tranter* in sending him back to the Probate Division. One way or the other, it is clearly expedient that a solution of the difficulty should be found.

LIKE A CORRESPONDENT, whose letter will be found in another column, we miss from the discussion of the Public Trustee Bills at the provincial meeting of the Incorporated Law Society any adequate consideration of their effect on the profession, or any adequate suggestion for so moulding the system as to insure the preservation of the profits derived by solicitors from trust business. In attempting some time ago to sum up the arguments for and against public trustees, we observed that it was alleged on this point that "whatever disclaimers may be made of any intention to deprive solicitors in general of a main source of income, the result must be that the trust matters managed by the company will be placed in the hands of a few firms known to and trusted by the directors; or, otherwise, that the selection of solicitors will be regulated upon a Dutch auction principle, of giving the work to the man of good standing who bids lowest." Our summary was quoted in the report of the Council of the Incorporated Law Society on the Public Trustee Bills before Parliament (*ante*, p. 526); but we have not yet seen any sufficient answer to the above observations. They apply equally to a Government Trustee, who, moreover, is likely to try to do solicitors' work in his office. The matter is one of vital consequence to all solicitors, and we hope we need not, at this time of day, repeat the remark we had so often to make with regard to the Land Transfer Bill, that if solicitors do not look after their own interests no one else is likely to do so. It is certain that both the Lord Chancellor's and Lord HOBHOUSE's Bills will be introduced again next session, and it is to be hoped that they will appear in an amended form and at a time when there will be leisure to deal exhaustively with the subjects. We need not state the provisions of these Bills, which were well given in Mr. GRIBBLE's paper, but it does not seem to be too early to suggest shortly the points which should be made a *sine quâ non* with regard to any system of public trustees, if the adoption of some such scheme should appear unavoidable. The first requisite is, of course, that the adoption of the scheme by settlors or testators shall be purely optional—not merely that no compulsion shall be adopted, but that

no bribe shall be offered. The second point is the appointment of a public trustee to work side by side, and not in rivalry, with, solicitors. The third point is an ample guarantee of security—either in the shape of a charge upon the Consolidated Fund or of a very substantial deposit of money in court. The fourth requisite is cheapness. And the last point should be to steer as clear as may be of officialism and bureaucracy.

WE MUST be allowed to express our unfeigned joy at the recovery by Mr. Justice DAX of the faculty of public speech. "Speech," says BACON, "is like cloth of Arras, opened and put abroad, whereby the imagery doth appear in figure: whereas in thoughts they lie but in packs." It would seem that the learned judge must have a considerable accumulation of packs in his mental warehouse; for since the preliminary meeting of the Special Commission in September, 1888, we think he has hardly afforded to the public even a sample of his goods. But in the genial presence of a City company on Tuesday he "opened and put abroad" a "pack" of somewhat quaint design. After a little preliminary jocularly, in the shape of a protest against the precedence given to those modern interlopers, the Army and Navy, over the Judges in the toast-list of the company, the learned judge is reported to have remarked that "the test of our civilization was the tons weight of statutes turned out session by session, the whole burden of the construing of which fell upon the shoulders of the judges, and was borne by them without anything in the nature of a complaint." We do not quite know how the learned speaker contrives to receive his tons' weight of statutes each session; perhaps he has them neatly done up in cast iron. But if our civilization is to be measured by the weight of the statutes passed in each session, we fear we must say that the present reign has seen a decided retrogression in civilization. The public statutes in 1 & 2 Vict. extended to 120 chapters, while the public statutes passed in 52 & 53 Vict. were comprised in 76 chapters. And as regards the whole burden of construing the tons' weight of statutes falling on the shoulders of the judges, we think we may say that for one statute construed by the judges a hundred have to be construed by practitioners, who, like the judges, continue to bear the burden without complaint, since, like the judges, they are tolerably well paid for the work.

THE RIGHTS OF MORTGAGEES IN THE WINDING UP OF A COMPANY.

IN the case of *Re Henry Pound, Son, & Hutchins (Limited)* (37 W. R. 766) Mr. Justice KAY drew a distinction between the rights of mortgagees from a company of specific property and those of debenture-holders whose security embraces the whole undertaking with all the company's assets; but although it would be convenient, and is not altogether unsupported by authority, the distinction failed to find favour in the Court of Appeal. When an order for a winding up has been made, both classes of persons are, of course, prevented by section 87 of the Companies Act, 1862, from commencing any proceedings to enforce their securities, except with the leave of the court, and subject to such terms as the court may impose; but in exercising the discretion thus conferred upon it, the court has been very unwilling to interfere with the powers of ordinary mortgagees. It seems to have been felt, indeed, that the saving to the general body of creditors which will ensue from a comprehensive dealing in the winding up with the whole assets and debts of the company is not to be weighed in the balance against the strict right of a mortgagee to claim that which his security has made his own. It cannot be said that the wisdom of this policy is clear, and a different view presented itself in the first instance to Lord ROMILLY, M.R., in *Re St. Outhbert Lead Smelting Co.* (35 Beav. 384). There he pointed out that, upon ascertaining the rights of the mortgagee, he could make an immediate order in his favour in the winding up, and said that permission to take proceedings under section 87 should only be given where some difficult question arises which cannot be determined otherwise than in a suit. But his refusal to permit the mortgagees to file a bill for foreclosure was reversed on appeal (W. N., 1866, p. 90), and at a later date the principle upon which the discretion of the court was to be exercised was settled by *Re David Lloyd & Co.* (25 W. R. 872, 6 Ch. D. 339). In this case again the Court of Appeal reversed the decision of the inferior court, MALINS, V.C., having

refused to allow a foreclosure action to proceed, and having made such an order as he thought would protect equally the interests of the mortgagee and of the company. But on the appeal the discretion of the court was minimized, and the rights of the mortgagee recognized as paramount. JESSEL, M.R., started from the position that a mortgagee has a right to realize his security, and, as incidental to this, a right to bring an action for foreclosure. Consequently he was not restrained from so doing under section 87 unless some special ground was shown, or unless he was offered at once all that he could attain, whether foreclosure or sale, by the action. Short of this the late Master of the Rolls thought that the court ought not, under the section in question, to interfere with his rights. In the same manner JAMES, L.J., treated the mortgagee as an independent person, having a claim on certain property of the company, but not in the ordinary sense a creditor, and not, therefore, a party to the winding-up proceedings. He thought that the court was at liberty, on behalf of the company, to grant at once all that the mortgagee properly claimed, but that it was not otherwise competent for it to interfere with the mortgagee's right to take the proper legal means for realizing his own property. The law as thus laid down was shortly afterwards affirmed again by JESSEL, M.R., in *Re Longdenale Cotton Spinning Co.* (26 W. R. 491, 8 Ch. D. 150), and the rights of the mortgagee further emphasized. There, under a voluntary winding up, the liquidator had admitted the mortgagee's debt, and had expressed his willingness to sell the property for the purpose of discharging it, but he was told that if he wanted to sell he had better redeem. The right of the mortgagee was to conduct the sale himself, and to prevent him from so doing would be an interference with his rights. Referring to *Re David Lloyd & Co.* (*supra*), the late Master of the Rolls said that the mere fact that a winding-up order had been made made no difference, and did not confer upon the company the right of preventing the mortgagee from realizing his security.

It appears, then, that the court, in its anxiety to leave the mortgagee's rights untouched, has taken a somewhat low view of its statutory discretion to restrain their exercise, and to administer the assets of the company itself with a view to the benefit of all creditors. A distinction, however, has been made where the right claimed by the mortgagee is not sale or foreclosure, but the appointment of a receiver, and in this case it has been consistently held that the official liquidator is the proper person to attend to the interests of the mortgagees as well as to those of other creditors. The principle has been applied both where a receiver has been appointed at the instance of a mortgagee between the date of the petition and the winding-up order, and also where an application for a receiver is made subsequently to the order. Thus in *Campbell v. Compagnie Générale de Bellegarde* (24 W. R. 573, 2 Ch. D. 181) it was said that the court would not endure to have two sets of receivers, and the paramount authority of the liquidator in the winding up superseded that of the receivers for the mortgagees previously appointed, though without prejudice to the right of the mortgagees to continue their suit. This decision of BACON, V.C., was followed by PEARSON, J., in *Tottenham v. Swansea Zinc Ore Co.* (32 W. R. 716); and in *Bartlett v. Northumberland-avenue Hotel Co. (Limited)* (53 L. T. N. S. 611) CHITTY, J., put the liquidator in the place of receivers who had been appointed before the commencement of the winding-up proceedings. The Court of Appeal, however, in affirming this, simply refused to interfere with his discretion, saying at the same time that there was no general rule that a receiver must always be displaced by an official liquidator. So, again, where the winding-up order has been made and a liquidator already appointed, it was decided in *Perry v. Oriental Hotels Co.* (18 W. R. 779, 5 Ch. 420) that, in the absence of any personal objection to him, the mortgagee must accept him as a receiver, and the Court of Appeal in this instance overruled the discretion of STUART, V.C., who had appointed the mortgagee's own nominee. But the principle having thus been established, the discretion of the inferior judge as to the existence of special circumstances, making it undesirable to appoint the liquidator receiver, will, of course, not be interfered with: *Giles v. Nuthall* (W. N., 1885, p. 51).

In the above cases the appointment of the receiver was originally in the discretion of the court, and hence it may not be correct to characterize the course taken as an interference with the strict rights of the mortgagee. Cases, however, may arise in which, under special circumstances, this will be done. Thus, in

Re Cambrian Mining Co. (29 W. R. 881) a mortgagee, who was the petitioning creditor, was prevented from exercising his power of sale until after the hearing of the petition.

Thus it is clear that an ordinary mortgagee may claim to exercise all his rights over the property in mortgage, notwithstanding that a winding-up order has been made against the company, his mortgagor, and that he will only be restrained, under section 87, where there exist special circumstances, not yet defined, or where the liquidator offers him all he could get by legal proceedings. If, however, the proceedings which he takes involve an application to the court for the appointment of a receiver, he will not be entitled as usual to have his own nominee appointed, but must take the official liquidator. The former rule is based upon a strict regard to the rights of mortgagees, and an unwillingness to allow the discretion given to the court by section 87 in any way to interfere with them; the second recognizes that where the court already, apart from the section, has a discretion, it is to be exercised with a view to saving expense, although this may involve a departure from the ordinary practice in a manner adverse to the mortgagee. The case of *Re Henry Fould, Son, & Hutchins (Limited)* lay somewhat between these two opposing principles. On the one hand the mortgagees were not mortgagees of any specific property, but were debenture-holders who had a charge upon the whole assets and undertaking of the company; and, on the other, they did not come to the court for the appointment of a receiver, but appointed one themselves under the powers of the debenture deed, and then applied to the court that he might have permission to take possession of the assets. As to the first point, it had been held, in *Jones v. Swansea Cambrian Benefit Building Society* (29 W. R. 382), that a mere bond charging all the funds, assets, and effects of the society was, if a mortgage at all, at any rate not such a mortgage of specific property as those referred to in *Re David Lloyd & Co.* and *Re Longdenale Spinning Co.* (*supra*); in other words, the bondholders had no claim to lay hold of any particular property and say it was theirs, so as to give them the rights established by those cases. Although, then, the debenture deed in the present case was much more clearly a mortgage, and conferred very definite rights over the property of the company, yet it was possible to take up the distinction thus suggested and to say that a mortgagee, though he might well claim to exercise his rights, even after a winding up, against specific property, could not claim to take possession of the whole assets of the company so as to stop the winding up altogether. The previous decisions had reduced to a minimum the discretion of the court under section 87, yet, if it still existed, this might well be a case to call for its exercise. So, at least, Mr. Justice KAY decided, and he had to consider, therefore, in what manner to deal with the debenture-holders' claim to have their own receiver put into possession. With his appointment the court had had nothing to do. It was made under the express provision of the debenture deed. But when application was made to the court to enable him to enter upon his duties, it was not unnatural to treat it as an ordinary case of an appointment of a receiver and to impose the condition that the official liquidator should have the office, the debenture-holders being at liberty to attend the proceedings in the winding up until their claims were satisfied. This was what KAY, J., did; but although the interference with the strict rights of the mortgagees was based on the exceptional nature of their security, and although the manner in which the receiver was dealt with was in conformity with the regular practice of the court in relation to receivers appointed by itself, the Court of Appeal unanimously took a different view. The result, indeed, is curiously similar to that of the earlier cases, mentioned above, where courts of first instance have attempted to exercise the discretion vested in them by section 87. The distinction based on the special nature of the security was quite ignored, and the strict rights of the mortgagees were enforced as rigidly as though the late Master of the Rolls had been on the bench. One of such rights was, in this case, the appointment of a receiver by the debenture-holders themselves, and this the court held they were entitled to exercise. Moreover, admitting the right, it refused to control it in any way, on the ground that the ordinary discretion of the court in appointing its own receiver, on occasions when it can regard the interests of all parties, did not here exist. The application for permission for the receiver to take possession was, of course, necessary to avoid a contempt, for the court itself was already in pos-

session in the person of the liquidator. But, when made, the only duty of the court was to grant it. This decision probably carries the strict rights of mortgagees in the winding up of companies to the farthest possible limit.

LEGISLATION OF THE YEAR.

TRIAL OF QUARTER SESSIONS OFFENCES.

(ASSIZES RELIEF ACT, 1889 (52 VICT. c. 12).)

This Act introduces a long called for and much needed reform, and relieves courts of assize of the duty hitherto frequently cast upon them of trying persons charged with offences triable at quarter sessions; at the same time it contains provisions rendering it impossible for a prisoner to be kept in custody for an inordinate length of time. The leading provision of the statute is contained in section 1 (1). By this, when a person is committed to gaol or admitted to bail by justices of the peace under the powers conferred upon them by sections 22 and 25 of Jervis's Act (11 & 12 Vict. c. 42), the prosecutor and the witnesses are to be bound over to attend at the *next practicable court of quarter sessions having jurisdiction to try the offence, unless the justices for special reasons otherwise direct*. As a corollary to this, it is enacted that the person charged is to be tried at the said court of quarter sessions, and a court of oyer and terminer or general gaol delivery is not to be required to deliver him from gaol unless the High Court of Justice expressly so directs. In the latter case section 1 (2) provides that the court shall give notice to the persons who have been bound over to attend at quarter sessions that their attendance will be required at the assizes instead. Section 2 provides for notice to be given by the committing justice to the governor of the gaol whether the prosecutor and witnesses are bound over to attend at quarter sessions or at the assizes, and similarly, when a court makes an order for the trial of a prisoner at the assizes, it shall cause notice to be given to the governor of the gaol.

Section 3 provides that where a prisoner is not duly tried at the next quarter sessions, then, in the absence of special reasons for the delay, the next court of assize is to try him or discharge him. By sub-section (3) the special reasons for delay may be the removal of the indictment into another court, the impossibility of producing the witnesses for the prosecution, or other special reasons for postponing the trial. Sub-section (2), however, puts a definite limit to this, for if the first court of assize does not try or discharge the prisoner, and he has not been tried before the next subsequent one, then this latter is required absolutely to try him or discharge him.

Section 5 saves all the existing rights of the High Court to remove, by *certiorari* or otherwise, indictments found at quarter sessions, and the existing rights of quarter sessions to remit indictments to the assizes. By section 6 rules under the Act are to be made by the Rule Committee of Judges in the same manner as rules of the Supreme Court.

ADVERTISEMENTS.

(INDECENT ADVERTISEMENTS ACT, 1889 (52 VICT. c. 18); ADVERTISING STATIONS (RATING) ACT, 1889 (52 & 53 VICT. c. 27).)

The first of these Acts is aimed at the prevention of the exhibition and distribution of indecent advertisements, and section 3 gives a comprehensive list of the manner in which such exhibition and distribution may take place. Any offender is to be liable, on summary conviction under the Summary Jurisdiction Acts, to a penalty not exceeding forty shillings, or, in the discretion of the court, to imprisonment for any term not exceeding one month, with or without hard labour. Section 4 extends this liability to persons who send others to do the acts made punishable by section 3. Section 5 includes in the term "indecent advertisement" any advertisement relating to complaints or infirmities arising from or relating to sexual intercourse when they are publicly placed or distributed as therein described. Under section 6 a constable or other peace officer may arrest without warrant any person committing an offence under the Act.

The second Act is of a very different nature, being designed to make advertising stations liable to be rated, and so get over the effect of the decision in *Reg. v. St. Pancras* (2 Q. B. D. 581), where the liability was denied. This was on the ground that the occupation by the advertiser was not permanent, or, rather, that it was not an occupation at all, but merely a licence to use the land in the nature of an easement. Section 3 now expressly provides that where land is used temporarily or permanently for the exhibition of advertisements, and is not otherwise occupied, the person permitting such use, or (if he cannot be ascertained) the owner, shall be rated in respect thereof to the relief of the poor and to all local rates according to the value of such use. And section 4 provides that where the land is

already occupied for other purposes, the rateable value shall be increased so as to include the profits of the advertisements. Section 2 gives the definition of "owner." Section 5 relates to a different matter, and authorizes local authorities, on giving permission for the temporary erection of hoardings and scaffolds, to sanction the affixing of advertisements to them in consideration of a stipulated payment. Such payments, as well as penalties recovered under the section for affixing advertisements otherwise than as permitted, are to be applied in aid of the highway rate.

CORRESPONDENCE.

THE FACTORS ACT, 1889.

[To the Editor of the Solicitors' Journal.]

Sir,—I would call the attention of your readers to what appears to be an important omission in the 2nd section of this Act.

The first part of that section provides for the case of a sale, pledge, &c., by an agent in possession of goods or of the documents of title thereto with the consent of the owner. One would suppose that sub-section 2 intends to provide for the case of the consent being withdrawn while the possession continues; and section 2 of 40 & 41 Vict. c. 39, which, with the rest of that Act, is repealed by the Act of 1889, did so provide. But there is no reference to continuation of possession in sub-section 2 of the new Act. Its words are, "When a mercantile agent has with the consent of the owner been in possession any sale . . . shall be valid," &c. Taken literally, this would enable the agent who had once had possession of the goods or documents to go on making valid sales and pledges *ad infinitum*.

But the professional man had better not advise that it is to be taken literally.

H.

FEE FOR ACKNOWLEDGMENT OF NOTICE OF ASSIGNMENT OF LIFE POLICIES.

[To the Editor of the Solicitors' Journal.]

Sir,—We lately sent to a London assurance office of good repute notice of assignment of two life policies, with the usual fee of 5s. for an acknowledgment. To our surprise they claimed a second fee, saying their rule was to charge the fee for each policy and not for each notice. This is so manifestly contrary to the Act (30 & 31 Vict. c. 144, s. 6) that we think it worth bringing under the notice of our fellow practitioners. No doubt a notice of an assignment of two policies involves double entries in the office books, but these would equally have to be made were no acknowledgment required and no fee paid. The fee is for an acknowledgment of a notice; and acknowledgment and notice, whether relating to a single policy or to fifty, are alike one and indivisible. Of course we declined to pay the second fee.

L. W. L. & S.

THE PROBATE RULES AS TO MARRIED WOMEN.

[To the Editor of the Solicitors' Journal.]

Sir,—I should like to call attention in your columns to the strange and anomalous result of the Probate Rules of March, 1887, as affecting the personal estate of married women not held for their separate use. You will remember that, prior to 1887, when the will of a married woman was proved the grant of probate was limited to such property as the testatrix had a right to dispose of, and *had disposed of*, by her will.

In the case of *Re Price* (35 W. R. 596, 12 P. D. 137) this practice came under the notice of Mr. Justice Butt, who, after consultation with the President, directed a general grant to be issued in that case. It does not seem quite clear on the report of the case whether the grant so directed did or did not include property not held for the separate use of the testatrix, but the scope of Mr. Justice Butt's observations seems to indicate that he had not in his mind any property other than separate property, and that the gist of his decision was to abolish the limitation to such property as the married woman had in fact disposed of by her will.

This case was followed almost immediately by the rules of March 29, 1887, which state clearly that the probate of the will of a married woman is to take the ordinary form "without any exception or limitation" [see 31 SOLICITORS' JOURNAL, 409].

No reference whatever is made to property which, not being separate, a married woman has no power to dispose of.

On the 17th of May, 1887, came the case of *Re Homfray* (see foot-note to the report of *Re Price*), where a married woman had executed a will under a power, but had also disposed of property not included in the power. An application was made for a grant limited to the personal estate which she had a right to dispose of by will, but the court held that, under the new rules, the grant would no longer be limited, but must be in the general form.

Where, therefore, a married woman who is possessed of separate property and property not separate makes a will in general terms, leaving all her property to a stranger and appointing him executor, and such stranger proves the will, it would seem that the stranger would be the proper person to give a receipt for any property not separate, and I suppose it would be his duty to hand such property over to the husband notwithstanding the terms of the will.

This seems contrary to the law under which a married woman, as a rule, has no power to dispose of her non-separate property, because if she can appoint an executor through whose hands the property is to pass, she does, to some extent, dispose of it and infringe upon the husband's right.

It is strange, too, that the right of the husband should depend, as it seems to do, upon a document which ignores him altogether and which purports to give all the deceased's property to another person.

The effect of these new Probate Rules was considered by Mr. Justice Kay in *Smart v. Tranter* (37 W. R. 213, 40 Ch. D. 165). Mr. Justice Kay seems to have attached but little weight to the rules, holding that a husband suing the executor in the Chancery Division must treat the will as valid, and that, in order to establish his right to the non-separate property, his proper course was to take proceedings in the Probate Division to recall the probate and obtain administration to his deceased wife.

It would be interesting to know what was the sequel to *Smart v. Tranter*, because it is difficult to see how the Probate Division could recall the probate and grant administration, as suggested, in the face of the decision in *Re Homfray*, above referred to.

It appears, however, that in *Smart v. Tranter* the married woman had no separate property, and possibly the Probate Division might have felt at liberty to recall the probate on that ground; but in cases where the married woman has separate property as well as other property it is hard to say what is the proper course to adopt.

The case of *Re Lambert, Stanton v. Lambert* (39 Ch. D. 626) may be referred to in connection with this subject, but it does not meet the difficulty, because apparently there was no question of non-separate property in that case.

The framers of the Probate Rules seem to have lost sight of the fact that, notwithstanding the Married Women's Property Act, 1882, there are, and for many years to come must be, cases where married women have property which is not separate. I refer, of course, to cases of women married and having acquired property before the Act.

I do not overlook the concluding words of the Probate Rules of 1887—"a surviving husband however being entitled to the same" (that is the probate) "in preference to the next of kin of the testatrix in case of a partial intestacy." It will be noticed, however, that he is only entitled in preference to the next of kin, and not in preference to an executor appointed by the testatrix.

I shall be glad to know the experience of some of your correspondents with regard to cases of this kind.

October 23.

THE PUBLIC TRUSTEE BILLS.

[To the Editor of the Solicitors' Journal.]

Sir,—I perused with great interest the report in your journal of the annual provincial meeting of the Incorporated Law Society at Leeds, and the discussion which took place as to the Public Trustee Bill and the Trust Companies Bill, in the hope that I should have seen some suggestion made for throwing trusteeships and executorships into the hands of the profession. At a time when we are threatened with the loss of a considerable portion of the business which we have been in the habit of conducting in conveyancing, it seems to me that we should do all we can for enlarging our professional business or insuring or retaining what we have been in the habit of doing, and not suffer anything to slip through our fingers either into the hands of officials or public companies.

I agree in thinking that it would be an advantage to the public if executors and trustees were at liberty to make a reasonable charge for their services, and indeed this seems to be very generally conceded; but I deny that either an official trustee or a public company is wanted to fill the position of paid trustees, as I submit that solicitors as a body are better suited for it and would give infinitely greater satisfaction than either an official or a company. A testator or settlor would, I think, in most cases much prefer employing a solicitor, who probably would be well known to him, than an unknown official or the changeable officers of a public company.

Why, therefore, should not solicitors be authorized to act as trustees or executors and to charge a moderate amount, to be regulated by general order, for so doing? I can see no objection myself, but perhaps some of my more cautious brethren may be apprehensive of the supposed risks they would run in consequence of the tendency of the judges to be "down on" trustees, but for myself I do not think that this need weigh with even the nervous ones of the profession; if it does they could not be compelled to act.

The appointment of solicitors would have one advantage to the client over any other system, by reason of the summary jurisdiction of the court over its officers, and, although not necessary, it might, perhaps be wise, and increase the public confidence, if provision was made for a yearly audit of the accounts of all paid trustees.

I shall be glad to hear the views of the profession on the suggestion.

FRANCIS MILLER.

CASES OF THE WEEK.

Court of Appeal.

CONCHA v. MURIETTA—No. 2, 24th October.

APPLICATION FOR POSTPONEMENT OF APPEAL—COSTS—RESPONDENT NOT APPEARING.

In this case there were two original motions asking for the postponement of the hearing of two appeals from orders made by Stirling, J., until after the House of Lords should have decided an appeal now pending before them against a former order in the case. The respondent to the motion did not appear on the hearing, though she had been duly served with notice of it, and

THE COURT (COTTON, BOWEN, and FRY, L.JJ.) granted the application for postponement.

The counsel for the applicants then asked that the respondent might be ordered to pay the costs of the application. The notice of motion asked that the costs of the application might be provided for, but it did not ask that the respondent should pay them. But the applicants' solicitors had written a letter to the solicitors of the respondent stating that an order for payment of the costs by the respondent would be asked on the hearing of the motion.

THE COURT said that the letter was very proper as a matter of courtesy, but it was not sufficient for this purpose. When a respondent did not appear any order not expressly asked by the notice of motion could not be made. On the terms of the present notice of motion a personal order for costs could not be made against the respondent. The costs of the motion relating to each appeal would be made costs of that appeal.—COUNSEL, Seward Brice, Q.C.; Stewart Smith. SOLICITORS, Worthington Beans; H. L. Pemberton.

HARRISON v. GOODLAND—No. 2, 24th October.

CONDITIONAL LEAVE TO DELIVER INTERROGATORIES—APPEAL—DISCRETION—APPEAL FOR COSTS.

This was an appeal against an order made by Kay, J., giving the defendant liberty to deliver interrogatories for the examination of the plaintiff, "but such liberty is given to the defendant on the express terms that he do first pay the plaintiff's costs of this motion and of all prior applications in connection therewith." The application for liberty to deliver the interrogatories had been made by summons in chambers, which was heard by the judge in person and refused by him. The defendant then moved in court to discharge the order made in chambers, and on the hearing of this motion the order now appealed from was made. On the opening of the appeal Fry, L.J., suggested that the appeal was merely for costs, and that it could not therefore be entertained. In answer to this objection the appellant's counsel relied on *Metropolitan Asylum District v. Hill* (5 App. Cas. 582). In that case the Queen's Bench Division, at the instance of the defendants, had granted a new trial of the action, but directed that the costs of the first trial should abide the result of the new trial. The plaintiffs appealed, and the Court of Appeal made an order that the plaintiffs' appeal should be dismissed—"if, within two months, the defendant's elect to pay, and if, within fourteen days after completion of taxation, the defendants pay the costs of the former trial," with certain specified exceptions. "And it is further ordered that, if the defendants do not so elect and pay such taxed costs within the time before mentioned, then that the plaintiffs' appeal herein be allowed, with costs." The defendants appealed to the House of Lords against this order, and on behalf of the plaintiffs it was contended that the appeal was for costs only. The House of Lords held that it was not within the rule against appeals for costs. Lord Selborne, C, said (p. 585):—"On principle it appears to me that such an appeal is competent. A condition imposing upon one party or another, as the price of an order which is to be made, or permitted to stand, in his favour, some election to be made by him as to the payment of costs, does not appear to me to bring it within the rule applying to an appeal for costs only."

THE COURT (COTTON, BOWEN, and FRY, L.JJ.) expressed great doubt whether that case had any application to a case like the present, in which the costs, the payment of which was imposed as a condition precedent, were not, as in the case in the House of Lords, costs of previous proceedings in the action, but costs relating to or connected with the very order from which the appeal was brought. But, assuming that the appeal was competent, the court said that the judge of first instance had a discretion as to allowing the delivery of the interrogatories, and the Court of Appeal ought not to review the exercise of his discretion.—COUNSEL, Hugh Fraser; E. Ford. SOLICITORS, A. J. Jekyll; C. R. Taylor.

It is announced that the Cronin jury has been completed. The court has been nine weeks selecting the jury and 1,115 talesmen have been examined.

THE LAW OF PARTNERSHIP.

THE following is the paper read by Mr. G. R. DODD at the recent Leeds meeting:—

When I undertook to read a paper on partnership, I was not aware, as possibly I ought to have been, that a Bill was before Parliament having for its object the consolidation and amendment of the law relating to that subject. However, as I found upon perusal of it that some of the points to which I now propose particularly to direct your attention were not dealt with, I was encouraged to carry out my original intention; more especially having regard to what was said by Lord Herschell, upon his moving the second reading of the Bill in August last, when he expressed his willingness that it should stand over until next session, whilst he invited the criticism of its provisions by the public, and especially by the profession. To this Bill I shall have occasion hereafter more particularly to refer. Great and numerous have been the changes of the law relating to partnership within the memory of some of us. Many attempts have been made to define partnership, and there is, as you are aware, no statutory definition of it. By one writer it was described as a voluntary contract between two or more persons for joining together their money, goods, labour, and skill, or either or all of them, upon an agreement that the gain or loss should be divided proportionately between them, and having for its object the advancement and enjoyment of fair and open trade (*Watson on Partnership*). This definition in effect agrees with the Roman law, also with that given by Puffendorf (*Puffendorf*, Lib. 5, cap. 8), but Lord Chief Justice Eyre observed that this is good as between the parties and not with respect to the world at large (*Waugh v. Carter*, 2 H. Bl. 246). It was held by Lord Loughborough that to render a partnership complete, a communion of profits and loss is essential, and the shares of the parties must be joint, although it was not necessary that they should be equal, and the parties interested in the purchase must also be jointly concerned in a future sale (*Coope v. Eyre*, 1 H. Bl. 37). Lord Justice Lindley, in his book on the subject, distinctly declines to pledge himself to any definition, but lays down certain principles respecting it with which I will not now trouble you (1 Lindley, Book 1, c. 1, s. 1). Partnership is defined in the Indian Contract Act, 1872, s. 239, as the relation which subsists between persons who have agreed to combine their property, labour, or skill, in some business, and to share the profits between them. In the Bill before referred to, it is proposed to simply describe it as "the relation which subsists between persons who have agreed to carry on a business in common." It was formerly held that the sharing in profits constituted a partnership, although no partnership was in fact contemplated by the parties (*Waugh v. Carter*, 2 H. Bl. 235); two persons who horsed a coach and divided the profits were held to be partners, although each found his own horses and one had no property in the horses of the other (*Frement v. Copland*, 2 Bing. 170); but there were some exceptions to this rule—e.g., seamen, by taking a share of profits with a shipowner in the gross proceeds of a whale fishery (*Stavers v. Curling*, 3 Bing. N.C. 355) or of a coasting voyage, as compensation for their services, did not thereby become partners, although Lord Eldon regarded the distinction with regret. However, it has since been decided by the House of Lords, that persons who shared profits in a business did not incur the liabilities of partners, unless the business was carried on by themselves or their real or ostensible agents (*Cox v. Hickman*, 8 H. L. Cas. 260). It is scarcely necessary to say that partnership can only be entered into for an honest and lawful purpose: for instance, one formed for smuggling or for making time bargains would be illegal. An unsuccessful attempt was actually made in the last century to obtain the assistance of the court to enforce an agreement to divide the proceeds of highway robberies (*Everet v. Williams*, 2 Pothier on Obligations by Evans, p. 3, note). As the Act of 1882 removes the disability of married women, they can make valid contracts of partnership; and it seems infants, and in fact anyone of sound mind, unless he should be a convict or an alien enemy, can now do so. The Act commonly known as Bevil's (28 & 29 Vict. c. 86)—which, by the way, I trust I may be excused for stating does not appear to have been much adopted by the profession, but which I have frequently utilized with advantage to my clients upon their investing money for business purposes—was passed in the year 1865. Allow me to remind you that by it the advance of money by way of loan to a person in any business upon a contract in writing that the lender shall receive a rate of interest varying with profits, or shall receive the share of profits arising from business, shall not of itself constitute a lender a partner or render him liable as such. A servant or agent can be remunerated by a share of profits without incurring responsibility as a partner. The widow or child of a deceased partner can receive by way of annuity a portion of profits without being deemed a partner, and a person can sell his goodwill of a business in consideration of an annuity or a portion of profits without being subject to the liabilities of the person carrying on the business. The whole of the provisions of this Act it is proposed to incorporate in the Bill to consolidate the laws of partnership with a few slight alterations and additions, the most important of which is, that the person advancing money shall not have the rights of a partner. May I be permitted to observe that it is necessary to act with the greatest caution in preparing the agreement on the loan of money under this Act to avoid a partnership (*Re Mogevand*, 7 Ch. D. 511). Bovill's Act contains the recital that "it is expedient to amend the law relating to partnership," but it has been observed that the correctness of the then assumed law is open to dispute. The present Bill contains no such recital. It appears almost incredible that partnership of more than five persons for the purchasing of coals for sale was formerly illegal, also companies and underwriters were prohibited from jointly insuring any ship or goods at sea, but the Royal Exchange Assurance Company and the London Assurance Company enjoyed the exclusive monopoly. Policies of assur-

ance also effected by any underwriters having a joint interest were not only declared to be void, but every sum underwritten was liable to forfeiture in equal moieties, one to the king and the other to the informer. Such was the law until altered by 5th Geo. 4, c. 114, s. 1. In France, limited partnerships have, it seems, been established for upwards of 200 years. The commandite associations consist of two or more persons, of whom one or more undertake the management, and are held indefinitely responsible as in ordinary partnerships; the others are responsible only to the amount of their contributions either paid up or contracted to be paid into the joint funds of the association. The first named are called commandites—they are the managing partners—and the commanditaires are the non-responsible members of the association, or investors as they may be termed. They must take no part in the management, or they become liable as managing partners. In the deed of association it should be mentioned that A., B., and C. are non-responsible partners, and such deed need not be published, but an extract must be so, stating that a nong the associates are some or many of limited responsibility, but it is not necessary to indicate their names. The extract must also announce in what terms, or of what species of property their contributions consist, and whether they have been paid up or otherwise (Code de Commerce, p. 27). If not published, the association is deemed an ordinary partnership, and the name of a non-responsible member must not form part of a firm or title. A similar kind of partnership is adopted in America. The general partners are responsible according to the existing laws, but persons investing money in firms can do so as special partners and limit their liability. The names of special partners, however, cannot be used in the firm which contains the names of the general partners only, without the addition of the word company or other general term. The special partners are unable to transact any business on account of the partnership, or to be employed for that purpose as agents or otherwise. They may simply advise in the general management of the affairs. But before such a partnership can act, a register thereof must be made in the office of the clerk of the county, accompanied by a certificate signed by the parties and duly acknowledged; containing the title of the firm, the nature of the business to be carried on, the names of the partners, and the amount furnished by each special partner; also the duration of the partnership. It is necessary to publish a notice thereof, for at least six weeks, stating the terms of partnership. There is no power to make assignments or transfers, or to create a lien with intent to give preference to creditors. The special partners are permitted to receive interest on their money invested, if no deduction of the original capital should be caused by so doing. In case of insolvency, special partners can only claim as ordinary creditors. It is said that this is the only instance of the Legislature of New York, or any other American State, having adopted or introduced anything but laws more or less taken from those of Great Britain. In America, any person making use of the words "and Company" or "and Co." without having a partner in the business, is deemed guilty of fraud or swindling. This also is the law in France (Code Penal, 405). By the Joint Stock Companies Act, 7 & 8 Vict. c. 110, s. 2, a partnership of more than twenty-five persons was declared to be a joint-stock company, whether consisting of that number of persons at its formation or by subsequent admission, except only with regard to admission consequent upon devolution, &c. But by the Companies Act, 1862 (25 & 26 Vict. c. 89), s. 4, not more than ten persons, if bankers, can carry on business as partners, or more than twenty as to other matters. This provision appears in the new Bill. There seems to be no good reason why the number should be limited in this way, or even why it should be necessary for seven persons to constitute a limited company, the members of which need not subscribe for anything more than a nominal amount; in fact, the Registrar of Joint-Stock Companies, in his evidence before the Select Committee of the House of Commons in the year 1877, stated that a company had been registered with a subscribed and paid-up capital of only 7s. (Minutes of Evidence, Answers 2,307 and 2,309), and such a company could issue debentures to an unlimited amount. It appears to me it might reasonably be enacted that no company should be registered with a less capital than a few hundred pounds, and some limit should be placed upon the amount of debentures to be issued. And I may here remind you that limited companies are under no obligation to make any return of the mortgages and charges affecting their property, although bound to keep a register containing such particulars. This omission should, I think, be rectified. Whilst the Legislature has most carefully provided, by the Companies Acts, for annual returns to be made by companies having capital divided into shares, of the names of their shareholders and various other matters, although such shareholders should not exceed seven in number, it is not necessary for a firm consisting of even as many as nineteen members, either active or dormant, to make any such return, or for their names to appear or be entered anywhere. Why should not any two or more persons be at liberty to enter into partnership without necessarily coming under the Companies Acts, and to limit their liability to any sum they might think fit, provided they add the word "registered" or "limited," or some similar word or name, and if they should have registered at a public office full particulars as to the name and address of each member of the firm, the nature of the business to be carried on, and the amount of capital supplied or agreed to be found by each partner? The late Master of the Rolls (Sir G. Jessel), in his evidence before the Select Committee, expressed himself as being strongly in favour of persons entering into business being allowed to limit their liability; a partner in a firm being now liable to the full extent of his means, he being responsible for the fraud, negligence, or other wrongful act of his partner or his clerk (Minutes of Evidence, Answers 2,307 and 2,311); and he described the common law relating thereto as being, in his opinion, "barbarous, and not suited to a highly civilized country," and, in fact, preventing freedom of contract (Answers 2,279 and 2,280). Many of us must have experienced, especially before the passing of the Judicature Act,

much difficulty when taking proceedings against a firm in discovering the names of the partners; but even now a difficulty frequently arises, for in many cases business is carried on by persons whose names do not appear in the firm, and who are trading under a firm name, and this fact has been particularly impressed upon us by a recent decision by the Court of Appeal (*Firmin & Co. (Limited) v. International Club*, *Law Times*, vol. lxxxvii., 1889, p. 255). In that case much litigation could have been avoided if the particulars above suggested could have been discovered by searching a register. Recently a case has come under my own knowledge where a man was carrying on a business in the name of "— & Co.," but there never was a person of the name connected with the business, and there was no company or other person than himself interested in such business, and he seemed ready to deny, if it answered his purpose to do so, that even he was a member of such firm. Therefore, I would propose that anyone carrying on business in partnership with any other person, or purporting to trade as a firm, should, under substantial penalties summarily recoverable, be required to register full particulars of the names and residences of his partners or partner (if any), or that such person is trading alone as a firm or company. I am not sure that even further particulars should not be required, such as the amount of capital, &c.; also whether any persons had a limited interest or were dormant partners, and, if so, their names and private addresses; also that annual returns of assets and liabilities should be made of every trading firm or person, or persons so trading, with a statement of mortgage or other securities given by them. I am strongly of opinion that particulars should also be registered as to the persons lending money or having any other interest in the business under the provisions of Bovill's Act or the new Bill; for a lender or annuitant may be drawing all the profits, or even taking in that way the capital, without the knowledge of the general creditors. We might reasonably, I think, follow the French and the American law, by making it a criminal offence for any person to trade with the use of the word "company," or, in fact, trade as a firm, unless some person other than himself was interested in the business. Many of the provisions of the Bill before referred to correspond with those in the Indian Contract Act, and particularly section 38, with regard to the rules as to interests, rights, and duties of partners, in the absence of any special agreement between them; but I submit that sub-section 6 of the 253rd section of the last-named Act might advantageously be introduced, which provides that, when difficulties arise as to ordinary matters connected with the partnership business, the decision shall be according to the opinion of the majority of the partners; but no change in the nature of the business can be made except with the consent of all the partners; also sub-section 7 of the same Act, which provides that if from any cause any member of the firm should cease to be so, the partnership shall be dissolved as between all the other members. The 48th section provides for dissolution of the partnership by death or bankruptcy of any partner. The insanity of a partner should, I think, also be sufficient ground of dissolution, without the necessity, as at present, of having a decree of the court: *Jones v. May* (2 My. & K. 125). A clause might be added to the effect that the partnership shall be also dissolved in the event of a general assignment being made by one or more of the partners, whether such partnership be for a definite period or determinable at will: *Heath v. Sansom* (4 B. & Ad. 172), *Norvi v. Burnard* (4 Russ. 247). The 60th section provides for the share of a retiring or deceased partner being treated as a simple contract debt accruing at the date of dissolution or death; but, by the 241st section of the Indian Contract Act, it is provided that the amount shall be considered as a loan, and the person entitled to it does not appear to become a partner by taking a share of profits. In conclusion, of course I am quite prepared to find that many of you do not approve of all my suggestions; but I will remember the objections, as also the doubts and fears, raised by the proposal and subsequent introduction of limited liability (which I was always in favour of), but very few would like to revert to the old state of things, and we, as lawyers, at least have certainly no reason to complain of the result. And I am fully convinced that, sooner or later, much at least of what I have now suggested will, in one form or another, be adopted.

LAW SOCIETIES.

SOLICITORS' BENEVOLENT ASSOCIATION.

The following is a full copy of the report presented by the directors at the 63rd half-yearly meeting of members held at Leeds on the 16th inst.:-

In compliance with the 16th rule of the association, the board of directors present their report for the half-year ending June 30th, 1889. Since the last meeting, in March, 1889, 129 new members have been admitted, making a total of 3,224; of these 1,156 are life, and 2,068 annual subscribers. 51 life members are also contributors of annual subscriptions ranging from one to ten guineas each. During the six months ending June 30, 1889, the receipts from all sources amounted to £3,119 11s. 7d., of which the following is a summary:—Life subscriptions £262 10s., new annual subscriptions £100 16s., donations £506 16s., arrears £21, renewals £972 6s., dividends £874 16s. 4d., legacies, &c., £330 2s. 3d., festival tickets £51 5s. The legacies received during the half-year were as follows:—One of £200 (less duty at 10 per cent.) under the will of the late Mr. George Parker, of Lewisham; one of £25 under the will of the late Mr. Edwin Wright, of Gravely Hill, Birmingham; and one of £50 under the will of the late Mr. John Rand Capron, of Guildford. The value of two sums respectively of £32 7s. 10d. Three per Cent. Consols, and £41 13s. 4d. Reduced Three per Cent. Annuities, at market prices of the day, is also included in the receipts, being further donations from the executors of the

late Mr. John Saunders, of Burnham, Somersetshire, under a deed of appointment executed by them on August 25, 1870. The board desire to record their best thanks to Sir Arnold William White for presiding at the 29th anniversary festival on June 27 last, for his kind efforts on behalf of the association, and for his own generous gift of one hundred guineas. The festival yielded a net profit of £806 to the funds, and proved the means of adding 20 life subscribers and 100 new annual subscribers to the society. The invested capital on June 30, 1889, consisted of £48,180 13s. 3d. stock, in addition to the sum of £5,263 19s. 10d. pertaining to the Reardon Bequest. During the half-year 83 grants have been made from the funds, amounting to £1,628. Of this sum 12 members' families received £560, while 15 non-members and 56 non-members' families received £1,068. The sum of £75 was also paid to annuitants from the income of the late Miss Ellen Reardon's Bequest; £14 to the recipient of the "Hollams Annuity"; and £15 to the recipient of the "Victoria Jubilee Annuity." The directors would again remind members that they will render much assistance by making careful inquiry into the merits and circumstances of any applicant before signing a recommendation to the board. On June 30, 1889, a balance of £741 19s. 9d. remained to the credit of the association at the Union Bank of London, together with £42 4s. 8d. belonging to the Reardon Trust account; a sum of £15 also remained in the secretary's hands. In February last a letter was received from the secretary of the Law Association stating that the board of directors of that society had directed him to request "that a committee of the Solicitors' Benevolent Association should meet a committee of the Law Association, in order to consider whether a scheme can be prepared for a working arrangement between the associations; and to appoint a day for that purpose." The matter was considered by your directors on March 13, and a committee appointed as desired. Two meetings of the joint committees were subsequently held, at the second of which, on April 29, 1889, it was resolved to adjourn the meeting, and that a complete scheme, when drawn up and approved by the directors of the Law Association, should be forwarded for the consideration of the directors of the Solicitors' Benevolent Association. During the past half-year the directors have elected Mr. Richard Walter Tweedie to a vacancy on the board caused by the resignation of Mr. H. S. Styan. Mr. Edmund Minson Wavell, of Halifax, has also been elected to fill a vacant seat at the board. The period for which the directors and auditors were elected expires at this meeting, and they are willing to continue their services should you be pleased to re-elect them. It remains for the board, in closing this report, to thank those members who have assisted in promoting the prosperity of the association by canvassing their professional brethren in their own localities. Such organized efforts, especially in large and important centres, are the best and surest means of increasing the resources of the association.

(Signed on behalf of the board)

14th August, 1889.

CHARLES F. GALL, Chairman.

LEGAL NEWS.

OBITUARY.

SIR JOHN BLOSSETT MAULE, Q.C., died at his residence, 47, Ennismore-gardens, on the 20th inst. at the age of seventy-one. Sir J. Maule was the second son of Mr. George Maule, barrister, many years Solicitor to the Treasury. He was educated at Westminster and at Christ Church, Oxford, where he graduated third class in Classics in 1838. He was originally a member of the Northern Circuit, but on the rearrangement of assizes in 1864 he joined the Midland Circuit, and he had been a member of the North-Eastern Circuit since its formation in 1876. He was for several years revising barrister, and in 1866 he received a silk gown from Lord Cranworth. In the same year he proceeded to Jamaica as a commissioner to inquire into the negro outbreak in the previous year. He was recorder of the Borough of Leeds from 1861 till 1880, when he was appointed director of public prosecutions, but in 1884 the duties of that office were transferred to the Solicitor to the Treasury. He was a bencher of the Inner Temple, of which society he was treasurer in 1882, and in that capacity he received the honour of Knighthood on the opening by the Queen of the Royal Courts of Justice. Sir J. Maule was also a member of the Incorporated Council of Law Reporting and of the Council of Legal Education.

APPOINTMENTS.

Mr. HORACE KELWAY POPE, solicitor (of the firm of Coxwell & Pope), of Southampton and Lymington, has been appointed a Perpetual Commissioner for Hampshire and Southampton for taking the Acknowledgments of Deeds by Married Women.

Mr. JAMES JOHN, solicitor, of Carmarthen, has been appointed a Perpetual Commissioner for Carmarthenshire, Cardiganshire, Pembrokeshire, and the Town and County of Haverfordwest, for taking the Acknowledgments of Deeds by Married Women.

Mr. JOSEPH DAVIES, solicitor, of Aberystwith, has been appointed a Perpetual Commissioner for Cardiganshire for taking the Acknowledgments of Deeds by Married Women.

Mr. LEWIS LLOYD JOHN, solicitor, of Llangollen and Corwen, has been appointed a Perpetual Commissioner for Denbighshire and Merionethshire for taking the Acknowledgments of Deeds by Married Women.

Mr. JOSEPH WILSON, solicitor (of the firm of Huish & Wilson), of Derby, Ilkeston, and Long Eaton, has been appointed a Perpetual Commissioner

for Derbyshire for taking the Acknowledgments of Deeds by Married Women.

Mr. FRANCIS JUDAL REYNOLDS, solicitor (of the firm of Blewitt & Reynolds), of Birmingham, Colleshill, and Castle Bromwich, has been appointed a Perpetual Commissioner for Warwickshire for taking the Acknowledgments of Deeds by Married Women.

Mr. FREDERICK MARSHALL BURTON, solicitor, of Birmingham and Walsall, has been appointed Vice-Consul at Birmingham for the United States of America. Mr. Burton was admitted a solicitor in 1864.

His Honour Judge SNAGGE, has been appointed a magistrate for Oxfordshire.

Mr. ROBERT LLOYD KENYON, barrister, has been elected Deputy-Chairman of the Shropshire Quarter Sessions. Mr. Kenyon is the eldest son of the late Mr. John Robert Kenyon, Q.C. He was educated at Winchester and at Christ Church, Oxford, where he graduated second class in Law and Modern History in 1870, and he obtained the Vinerian Law Scholarship in 1873. He was called to the bar at the Middle Temple in Michaelmas Term, 1873. He is a member of the Oxford Circuit.

Mr. JOHN CREERY, solicitor (of the firm of Hallett, Creery, & Welldon), of Ashford, has been appointed Registrar of the Ashford County Court (Circuit No. 49), on the resignation of his father, Mr. Leslie Creery. Mr. J. Creery was admitted a solicitor in 1883.

Mr. GERALD BOLOGNA STRICKLAND, barrister, who has been appointed Chief Secretary to the Government of Malta, was educated at Trinity College, Cambridge, where he graduated in the second class of the Law Tripos in 1887. He was called to the bar at the Inner Temple in November, 1887.

Mr. CHARLES HALMAN BEARD, barrister, has been appointed Solicitor-General for the Leeward Islands. Mr. Beard is the second son of Mr. William Daniel Beard. He was called to the bar at the Middle Temple in June, 1882.

Mr. JOHN HEATON CADMAN, barrister, has been appointed Judge of County Courts for Circuit No. 12, in succession to the late Judge McIntyre. Judge Cadman is the second son of Mr. Edwin Cadman, and was born in 1839. He was educated at the Collegiate School, Sheffield, and at Worcester College, Oxford. He was called to the bar at the Inner Temple in Michaelmas Term, 1864, and he has practised on the North-Eastern Circuit, and at the West Riding, Leeds, and Sheffield Sessions. He has been recorder of the borough of Pontefract since 1877.

CHANGES IN PARTNERSHIPS. DISSOLUTIONS.

GEO. M. ARNOLD, EDW. J. FOOKS, CHAS. CHADWICK, BERNARD ARNOLD, and LOUIS CHADWICK, solicitors (Arnold, Fooks, Chadwick, & Co.), 60, Carey-street, Lincoln's-inn, London. Sept. 29. The business will be carried on under the same style or firm by Edward John Fooks, Charles Chadwick, Bernard Arnold, and Louis Chadwick. [Gazette, Oct. 18.]

GENERAL.

It is stated that the retirement of Mr. G. M. Dowdeswell, Q.C., senior Official Referee of the Supreme Court of Judicature, is likely to occur shortly, and that the vacancy will not be filled up.

It is stated that three hundred and eighty-nine Bills were introduced into Parliament in the course of the session, the large majority of them by private members. Many were strangled at their birth, and never even reached the stage of second reading. Altogether, 118 new Acts found their way upon the Statute Book.

The annual meeting of the judges took place at the Old Bailey on Thursday for the purpose of fixing the rota of the Central Criminal Court for the ensuing year. There were present the Lord Mayor, Denman, Stephen, Mathew, and Charles, JJ. The following were the dates fixed for holding the sessions:—November 18, December 16, January 13, February 3, March 3 and 24, April 21, May 19, June 23, July 28, September 8, and October 20.

A pork butcher, says the *Daily Telegraph*, applied for his discharge at the Colchester Bankruptcy Court on Tuesday. The judge, addressing the bankrupt, said, "Are you the person who sent me some sausages? You really must not do it. I am afraid you did it in view of the application. I thought it was a parcel from a gentleman who sends me roses—and when I found they were sausages I was obliged to take them because I did not know where to send them back. I must say they were extremely good; but you must not do it. You really must not."

The following are the arrangements made by the judges of the Queen's Bench Division for holding their courts during the ensuing Michaelmas Sittings, viz.:—Three courts will sit in *Banc*, the first being composed of Field and Manisty, JJ., the second of Huddleston, B., and Stephen, J., and the third of Mathew and Wills, JJ. Should the sittings of the Special Commission terminate before the courts rise at Christmas, a fourth court will be formed by Day and A. L. Smith, JJ. Six courts will sit to try special, common, and non-jury causes, the judges being Lord Coleridge, Pollock, B., Denman, Hawkins, Cave, and Charles, JJ. The judge at chambers will be Grantham, J.

With reference to the rumour that Sir Michael Morris, the present Chief Justice of Ireland, will be Lord Fitzgerald's successor, the *St. James's Gazette* says:—A man of brighter wit could hardly be found. Numerous are the stories told of his ready humour, but perhaps none is better than that of the discomfiture of a Treasury official who was sent

over to Dublin to complain of the excessive expenditure for fuel in the Lord Chief Justice's court. He was shown into Sir Michael's room, and proceeded gravely and formally to state his errand and to enlarge on the importance of economy in the matter of fuel. The Chief Justice listened to him very patiently and then rang his bell, and when the servant appeared said, "Tell Mary that the man has come about the coals."

Great dissatisfaction, says the *Daily Telegraph*, is felt in the legal profession that the date for the hearing of special jury causes in the Divorce Court is postponed until September 2. Owing to the absence of the President on the Parnell Commission no special jury divorce case has been tried since last December, consequently petitioners whose causes have been entered for the last twelvemonth have had no opportunity of having them tried. It was believed that, in consequence of the long interval which has thus elapsed, special jury causes would have been down for the opening of the court on the 24th inst., but to the dismay of petitioners and practitioners, and for no apparent reason, the hearing of these cases is further delayed until next December, and even then, owing to the practice of the court of taking special jury probate matters before other business, it is by no means certain that divorce trials will come on, unless the President is early released from his duties at the Commission and will sit and dispose of these very pressing arrears.

At the Mansion-house Police Court, on the 21st inst., William Talbot Sayers and Alfred Barnes, clerks, were charged before Mr. Alderman Wilkin with stealing and receiving certain documents of title to land, the property of Mr. Christopher Hill. Mr. W. Hardinge Humphreys, solicitor, prosecuted. John Cornwall, a sorter at a foreign parcels depot, stated that on the 14th inst. he saw the prisoner Barnes receive a parcel, and on its being opened he saw that it contained deeds and documents relating to a Mr. Hill. He heard Barnes say that that was a first instalment and two others were to follow. A few days after he saw Barnes again, and heard him say that he was receiving the papers and documents from a clerk to a firm of solicitors who had a very large Chancery business, and that the partners were advanced in age and had offended the clerk in some way. Mr. George Henderson, a solicitor, of 24, Fenchurch-street, in partnership with Mr. Buckle, said he himself was 87 years of age and his partner about 80. For about 50 years they had acted as solicitors to Mr. Christopher Hill, of Wanstead, and they occasionally had title deeds and documents belonging to him in their possession. About a month ago they had occasion to discharge a clerk who had been in their employment for three or four years. He (witness) recognized the deeds which had been found in the parcel as Mr. Hill's. Detective-sergeant Downes proved the arrest of the prisoners under a warrant, and stated that he found some other documents at Sayers's residence. Mr. Alderman Wilkin remanded the prisoners for a week and refused bail.

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

Date.	APPEAL COURT No. 2.	ROTA OF REGISTRARS IN ATTENDANCE ON	
		Mr. Justice KAY.	Mr. Justice CHITTY.
Monday, October	28 Mr. Pemberton	Mr. Jackson	Mr. —
Tuesday	29 Ward	Carrington	Clowes
Wednesday	30 Pemberton	Jackson	Clowes
Thursday	31 Ward	Carrington	Clowes
Friday, Nov	1 Pemberton	Jackson	Clowes
Saturday	2 Ward	Carrington	Clowes
	Mr. Justice NORTH.	Mr. Justice STEELE.	Mr. Justice KEESWICH.
Monday, October	28 Mr. Beal	Mr. Holt	Mr. Pugh
Tuesday	29 Leach	Godfrey	Lavie
Wednesday	30 Beal	Holt	Pugh
Thursday	31 Leach	Godfrey	Lavie
Friday, Nov	1 Beal	Holt	Pugh
Saturday	2 Leach	Godfrey	Lavie

COURT OF APPEAL.

MICHAELMAS SITTINGS, 1889.

SPECIAL NOTICE.—Queen's Bench Interlocutory Appeals will be taken in Court I., on Thursday, October 24, and possibly continued on Friday, October 25; afterwards on every Wednesday during the Sittings, subject to Interlocutory Appeals on Wednesdays, and Bankruptcy Appeals (if any) on Fridays, and to Admiralty Appeals when appointed. Queen's Bench Final Appeals will be taken in Court I., every day during the Sittings.

Chancery Interlocutory Appeals will be taken in Court II. on Thursday, October 24, and possibly continued on Friday, October 25.

Chancery Final Appeals will probably be commenced in Court II., on Friday, October 25, and (subject to Interlocutory Appeals on Wednesdays) continued every day during the Sittings.

Appeals from the Lancaster Palatine Court will be taken in Court II. on Thursday, October 31, Thursday, November 7, and Thursday, December 5; see Notice at end of List of Palatine Appeals.

Admiralty Appeals (with Assessors) will be taken in Court I. on days specially appointed by the Court.

APPEALS FOR HEARING.

(Set down to Thursday, October 17th, inclusive.)

FROM THE CHANCERY DIVISION, THE PROBATE, DIVORCE AND ADMIRALTY DIVISION (PROBATE AND DIVORCE), AND THE COUNTY PALATINE AND STANNARIES COURTS.

From the Chancery Division.
(General List.)
1889.

In re Jno Bracken, dec Doughty v Townson app of plt from judgt of Mr Jus

the North, dated 23 March, 1889, on point of law May 30 (pt hd S O ill £10 paid into court)

Garrard v Edge & Sons app of plt from judgt of Mr Justice Kay dated 22 May, 1889

In re Charlotte Wright, dec Wright v Hobart-Hampden (construction) app of dfts L P H Hampden & anr from judgt of Mr Justice North, dated 7 March, on originating summons adjourned into court June 6

Kerr v The Chartered Mercantile Bank of India, London, & China Ritchie (claimant) v Kerr (respondent) app of Mary Kerr, widow, from order of Mr Justice North, dated 26 March, at trial of issue directed by order dated 20 May, 1887 June 6

In re The Combined Weighing and Advertising Machine Co, ld & Co's Acts (petn of John B Ball) app of petn from refusal of Mr Justice North, dated 1 June of winding up order June 8

Western, Bart v Harris Western, Bart v Marks Gilbert v Woodley app of dft Tudor Harris from refusal of Mr Justice Kay, dated 10 May, to vary Chief Clerk's Certificate June 12

Robertson v Hartopp, Bart app of dfts, Earl of Abingdon & anr, from judgt of Mr Justice Stirling, dated 11 May, upon special referee's report June 13

Holby, on behalf, & v Cookson (& four other causes before 1852) app of petn, Sarah Boyes, from the order of Mr Justice North, dated 6 June, refusing appln to dispense with strict proof of representation June 18

In re M Frisby, dec Allison v Frisby app of dft from order of Justice Kay, dated May 27, on originating summons June 18

N E Ry Co v The Queen app of the Queen from judgt of Mr Justice Chitty, dated April 16, on special case stated in petition of right June 18

Divorce Mary Cathcart (petn) v J T Cathcart (resp) app of petn, Mary Cathcart, from order of Mr Justice Butt, dated June 5, dismissing petn for dissolution of marriage June 19

Municipal Permanent Investment Building Soc v Richards app of dft W H Richards from judgt of Mr Justice Kekewich, dated 16 May 1889 June 22

In re E Cuno, dec, Mansfield v Mansfield app of dft J S Mansfield from order of Mr Justice Kay, dated 19 June, 1889 June 28

Manchester District Registry In re W Royle, dec, Royle v Hayes app of dfts G Hayes and Wife from judgt of Mr Justice Kekewich, dated 1 June, 1889 June 29

In re W Gould, dec, Tippetts v Tippetts app of dft Florence H Davis from order of Mr Justice North, dated 10 May, 1889, on originating summons July 1

In re No 6 Salem-street, Plymouth, belonging to J Cawley, taken in execution by Nicholas Were, and In re London and S W Ry Act, 1875, and Lands Clauses Act, 1845 app of Nicholas Were from refusal of Mr Justice Kay, dated 10 May, to vary Chief Clerk's Certificate July 2

Reynolds v Reynolds app of pils from judgt of Mr Justice Kekewich, dated 6 June, 1889 July 3

Buckley v Royal National Life Boat Institution & ors app of dft Institution from judgt of Mr Justice North, dated 15 April, 1889 July 3

Giles on behalf, & v Nuthall & ors app of liquidator of House Improvement & Supply Assoc, ld, from refusal of Mr Justice Kekewich, dated 19 June, to vary Chief Clerk's Certificate July 3

Anglo-Montana Mining Co, ld, v Franklin app of dft from judgt of Mr Justice Chitty, dated 16 May, 1889 July 8

In re The New Eberhardt Co, ld & Co's Acts, Ex parte E F Menzies app of E F Menzies from refusal of Mr Justice Stirling, dated 28 June, to rectify Register June 8

Vernon v The Darlaston Coal and Iron Co, ld app of dft Co from judgt of Mr Justice Stirling, dated 28 June, upon Referee's Report July 9

Dreyfus Bros & Co v The Peruvian Guano Co, ld app of dfts from refusal of Mr Justice Kay, dated 22 June, to vary Chief Clerk's Certificate and original motion, by order June 10

Edevaln v Cohen app of dft Morris Cohen from judgt of Mr Justice North, dated 15 May, 1889 July 11

In re Anglo-Indian & Colonial Industrial & Commercial Institution, ld, Ex parte J Smith app of J Smith from refusal of Mr Justice Kay, dated 20 June, to vary Chief Clerk's Certificate July 11

In re T Wolton, dec Daldy v Eve app of dft G Eve from judgt of Mr Justice Chitty, dated March 29 July 13

Tomlin v Luce app of dfts from judgt of Mr Justice Kekewich, dated April 10 July 15

Stuart v Diplock Bros app of dfts from judgt of Mr Justice Kekewich, dated May 23 July 18

Bragg v A Weinberg & Co, ld app of plt from judgt of Mr Justice Kekewich, dated June 1 July 19

Hargreaves v Fuller app of pils from judgt of Mr Justice Kekewich, dated July 4 July 23

Gray v Smith & anr app of dft H C Bennett from judgt of Mr Justice Kekewich, dated July 18 July 24

In re Chas Goodall & Sons' Application for registration of Trade Mark No 72,830 app of Chas Goodall & Sons from refusal of Mr Justice North, dated July 4, of application for registration July 24

In re The Land Corporation of England, ld & Co's Acts Expte G W Thomas, Trustees of J P Flew in bankruptcy app of G W Thomas from refusal of Mr Justice Kay, dated June 20, to vary Chief Clerk's Suppl Certificate of Contributories July 25

In re Benja Hooper's Trusts (construction), Hooper v Hooper app of dft W M Hooper from judgt of Mr Justice Kekewich for Mr Justice Stirling, dated 1 July, 1889 July 26

In re The Uxbridge and Rickmansworth Ry Acts, 1881 & 1886, and Abandonment Act, 1888 (Macintyre's Claim) app of John Stevenson Macintyre from order of Mr Justice Stirling, dated 13 July, disallowing claim of judgment creditor in priority July 30

Myers v Catterson app of dft from judgt of Mr Justice Kekewich, dated 10 July, 1889 July 31

In re The Yarnari Co, ld, & Co's Acts, Jno Marks' Case app of Jno Marks from refusal of Mr Justice Kay, dated 26 July, to rectify register of members Aug 1

Walton v Carpenter app of dft from judgt of Mr Justice Kekewich, dated 29 May, 1889 Aug 1

Concha v Murieta and three original causes app of M A Concha and Adelina his wife from orders of Mr Justice Stirling, dated 20 June and 9 July, 1889 Aug 2

In re Eliza Salmon, dec, Priest v Uppley (C Uppley, Bower & ors third par-

ties) app of third parties from judgt of Mr Justice Kekewich, dated 17 July 1889 Aug 6

Scott v Clutton app of plt from part of judgt of Mr Justice Kekewich, dated 10 July, 1889 Aug 8

Arlison v Smith app of dft J G Smith by his Trustees in Bankruptcy from judgt of Mr Justice Kekewich, dated 8 Aug, 1889 Aug 8

Dreyfus Bros & Co v The Peruvian Guano Co, ld app of pils from order of Mr Justice Kay, dated 22 June, varying Chief Clerk's Certificate Aug 9

Dreyfus Bros & Co v The Peruvian Guano Co, ld app of pils from order of Mr Justice Kay, dated 3 Aug, on fur con Aug 9

Dreyfus Bros & Co v The Peruvian Guano Co, ld app of dfts from order of Mr Justice Kay, dated Aug 3, on fur con Aug 10

Searle v Cooke app of dfts from judgt of Mr Justice Kay, dated July 10 Aug 10

Blakey v Latham & Co app of A V Green from order of Mr Justice Kay, dated May 10, directing enquiry and question of lien to Taxing Master Aug 10

Concha v Murieta and three other suits app of Juan Jose de la T Concha (suing in forma pauperis) from orders of Mr Justice Stirling, dated June 20 and July 9 Aug 12

Phillips v Cayley (construction of powers of appointment under Wills Act, s 27) app of dft George Allen from order of Mr Justice Kekewich for Mr Justice Stirling, dated June 20, on orig sums Aug 12

Jones v Feast, Liquidator of the 7th Central Building Society app of plt in person from order of Mr Justice Kay, dated July 29, refusing allowance of credit as manager Aug 17

Bouchette v The Consolidated Credit and Mortgage Corp, ld app of dfts from judgt of Mr Justice Kekewich, dated July 8 Aug 21

In re J D Mather, dec Stopford v Mather (construction of Will) app of dft Edward Pattinson from order of Mr Justice Kay, dated Aug 9 Aug 21

Divorce Butler v Butler Butler v Butler & Burnham The Queen's Proctor intervening app of Emma Butler, the petn, from order of Mr Justice Butt, dated Aug 10, rescinding decree nisi on ground of collusion and withholding material facts Aug 23

In re Richard Pearce, dec Pearce v Pearce app of dft Jas Roper from order, dated 6 Aug Aug 23

Reilly v Booth app of pils from judgt of Mr Justice Kekewich, dated 9 Aug Aug 31

In re The Uxbridge and Rickmansworth Ry Acts claim of B H W Way for compensation and damages app of B H W Way from judgt of Mr Justice Stirling, dated Aug 7 Aug 19 (postponed to No 67 by consent)

In re The Uxbridge and Rickmansworth Ry Acts claim of Hy Jas Grainge for compensation and damages app of H J Grainge from judgt of Mr Justice Stirling, dated 7 Aug Sept 3

In re a Contract, dated 8 May, 1889, Sully to Rogers & V & P Act, 1874 app of Mary Ann Rogers from order of Mr Justice North, dated 7 Aug, on originating summons Sept 9

In re F B C Hulton, dec Hulton v Lister app of dft J H F Hulton & ors from order of Mr Justice North, dated 9 Aug Sept 11

In re The West Indian Gold Mining Corp, ld & Co's Acts Expte J A Roberts app of petn from refusal by Mr Justice Denman for Mr Justice Stirling, dated 28 Aug, of order to wind up Oct 10

From the County Palatine Court of Lancaster.

(General List.)

Winby v The Manchester, & Tramways Co, ld app of dfts from judgt of the Vice-Chancellor, dated 20 March, 1889 June 14

Buchanan v Marsh app of dfts from order of the Vice-Chancellor, dated 23 July on fur con Oct 12

From the Chancery Division.

(Separate Interlocutory List.)

In re Eliza Harris, dec, Roache v Pollock app of dft in person from order of Mr Justice Stirling, dated 2 Aug, for attachment for non-compliance with order, dated 15 July Aug 6

Divorce G S Dickson, Ptnr, and William Dickson, Resp app of resp William Dickson from order of Mr Justice Butt, dated 6 Aug, for attachment for non-compliance with order, dated 18 March, for security for costs of actions Aug 10

Ward v Parker app of plt from order of Mr Justice Stirling, dated 26 July, refusing to restrain interference with plaintiff's receipt of income of residuary estate Aug 10

Joplin v Postlethwaite app of dft from refusal of Mr Justice Kay, dated 16 July, until trial of reference to arbitration Aug 7

Harrison v Goodland app of dft from order of Mr Justice Kay, dated Aug 2, refusing liberty to deliver unconditional interrogatories Aug 22

Gilbert v Boosey app of plt from refusal of Mr Justice Denman, for Mr Justice Stirling, dated 20 Sept, of order restraining use of name till trial Oct 11

Divorce Sarah Eliza Robinson, ptnr, v Philip Stewart Robinson, resp app of ptnr from ord of Mr Justice Butt, dated 27 June, allowing conditional access to children Oct 14

Divorce Rosa C F Lister, ptnr, v G L G Lister, resp app of resp from judgt of Mr Justice Butt, dated 23 July, granting permanent maintenance Oct 16

Stronsberg v Sanders app of plt from refusal of Mr Justice Stirling, dated 2 Aug, of review of taxation of costs of dfts, Commercial Bank of Scotland Oct 17

FROM THE QUEEN'S BENCH AND PROBATE, DIVORCE, AND ADMIRALTY (ADMIRALTY) DIVISIONS.

For Hearing.

1889.

The Halifax Commercial Banking Co, ld, v Crowther & ors app of dfts Allchin, Linnell, & Co from judgt of Mr Justice Denman, dated 26 March at trial at Leeds April 2

Turner v The Guardians of the Poor of Skipton Union app of plt from judgt of Mr Commr F Meadows White, QC, dated 27 March, at trial at Leeds April 8

The Mersey Docks & Harbour Bd v The Mayor, Aldermen, and Burgesses of Borough of Birkenhead app of pils from judgt of Mr Commr Vaughan Williams, QC, dated 23 March, at trial at Liverpool April 11

Ellison & ors v Crossley app of pils from judgt of Mr Commr Gainsford Bruce, QC, dated 3 April, at trial at Leeds April 26

Young, Howarth, & Co v Allchin, Linnell, & Co app of pils from judgt of Mr Justice Denman, dated 13 April, at trial at Leeds April 27

Phillips & anr v Rees app of deft from judgt of Justices Mathew and Grantham, dated 30 April in special case May 4
 Galer v Rawson & anr app of plt from judgt of Mr Justice Stephen, dated 13 April on fur con after trial with a jury at Leicester May 10
 Crowther v The Lancs & Yorks Ry Co app of plt from judgt of Justices Mathew & Grantham, dated 15 May, after trial by Mr Justice Denman with a special jury at York May 20
 Lord Tredegar v The Pontypridd Caerphilly & Newport Ry Co app of dft from judgt of Mr Justice Stephen, dated 3 April, at trial in Middx May 22
 The Hornsey Local Bd v The Monarch Investmt Bldg Soc & anr (Q B Crown Side) app of pts from judgt of Justices Mathew & Grantham, dated 16 May, reversing judgt of County Court Judge May 29
 Chancery Action Swaine v Wilson app of dfts from judgt of Mr Justice Denman, dated 28 March, for Mr Justice Stirling at trial at Leeds May 29
 Maltby v Whittom app of plt from judgt of Mr Commr F Meadows White, QC, dated 11 May, at trial at Leeds May 30
 Prado v Chamberlaine & ors app of dfts from judgt of Mr Justice Charles, dated 22 May, at trial in Middlesex June 4
 Firth v The Northumberland Permanent Benefit Building Society app of pts from judgt of Mr Commissioner F Meadows White, Q.C., dated 11 May, at trial at Newcastle on Tyne June 5
 The Manchester, Sheffield, and Lincolnshire Ry Co v Seddon app of pts from judgt of Mr Commissioner F A Bosanquet, Q.C., on counter-claim, dated 18 May at trial at Manchester June 5
 Howe v The Lancashire Felt Co, Id (Q.B., Crown Side) app of plt from Justices Manisty & Mathew affirming judgt of County Court Judge, dated 3 June for dfts June 8
 Crowther Smith v The Assessment Committee of New Forest Union & ors (Q B Crown Side) app of Assessment Committee from judgt of Justices Field and Cave, on case stated quashing order of Sessions June 18
 Gooding v Tiffin app of dft from judgt of Mr Justice Grantham, dated 8 June, at trial in Middx June 19
 Lucas & Son v A Handyside & Co, Id app of dft from judgt of Mr Justice Grantham, dated 5 June, at trial in Middx June 19
 Herskind & Woods v Galzini app of dft from judgt of Mr Justice Grantham, dated 4 June, at trial in Middx June 19
 Fairbrother & Co, Id v Batt & Co app of plt from judgt of Mr Justice Denman, dated 29 March, at trial at York June 20
 Nainby & ors v West app of dft from judgt of Mr Justice Hawkins, dated 15 April, after trial at Lincoln June 21
 Caton v Hamilton app of plt from judgt of Mr Justice Grantham, dated 31 May, at trial in Middx June 24
 The Shaw's Brow Iron Co, Id v The Birchgrove Steel Co, Id app of dfts from judgt of Mr Justice Mathew, dated 24 June, at trial in Middx June 29
 Edey & Co v Free app of dft from judgt of Mr Justice Cave, dated 22 June, at trial in Middx July 5
 Eakon v Rivolta app of dft from judgt of Mr Justice Cave, dated 21 June, 1889, at trial in Middlesex July 5
 Gifford v Mayor, &c, of Bury St Edmunds (acting as Urban Sanitary Authority) app of plt from judgt of Mr Justice Field, dated 5 June, 1889, at trial in Middlesex July 18
 The Restitution Steamship Co, Id, v Sir John Pirie & Co app of pts from judgt of Mr Justice Cave, dated July 1, 1889, at trial at Glamorgan July 19
 Field v Strouberg app of dfts from judgt of Mr Justice Field, dated July 4, 1889, at trial in Middlesex July 19
 Van Biene v Strouberg app of defendant from judgt of Mr Justice Field, dated July 4, 1889, at trial in Middlesex July 19
 Bilbee v Hase & Co app of dfts from judgt of Lord Justice Lopes, dated 17 July, 1889, at trial in Middlesex July 22
 Smith v Wood & Co app of plt from judgt of Justices Denman and Charles, dated 28 June, 1889, after trial before Mr Justice Wills in Middlesex July 22
 Jackson v Atkinson and anr app of plt from judgt of Lord Chief Justice, dated 4 July, at trial at Huntingdon July 23
 Cochrane v Moore app of plt from judgt of Lord Justice Lopes, dated 20 July, at trial in Middlesex July 26
 Glascock v Balla app of dft from judgt of Lord Chief Justice, dated 8 July, at trial at Cambridge July 27
 Towers v Woolley & ors app of dft W W Woolley from judgt of Mr Justice Charles, dated 13 July, 1888, at trial in Middx July 27
 Leigh v Wigan Coal & Iron Co, Id app of dft co from judgt of Lord Justice Bowen, dated 18 July, at trial in Middx July 29
 The Mayor, &c, of the Borough of Burton-on-Trent v The Assessment Committee of Burton-on-Trent Union and Churchwardens and Overseers of the Township of Stretton (Q B Crown Side) app of Assessment Committee & ors from order of the Lord Chief Justice and Mr Justice Stephen, quashing rate on special case stated by arbitrator under 12 & 13 Vict c 45, s 13 July 29
 The Mayor, &c, of the Borough of Burton-on-Trent v The Churchwardens and Overseers of the Parish of Eggington and Assessment Committee of Burton Union (Q B Crown Side) app of Churchwardens, &c, of Eggington & ors from like order as in previous appl July 29
 C Dear & Son v Sir Jas H S Rivett Carnac, Bart app of pts from judgt of Mr Justice Cave, dated 20 June, at trial in Middx July 31
 Chancery Action Barton v The London & North Western Ry Co app of dft co from judgt of Mr Justice Manisty for Mr Justice Kay, dated 3 July, at trial in Middx (jury discharged) July 31
 The Great Western Ry Co v Phillips & ors app of pts from judgt of Mr Justice Manisty, dated 9 July, at trial at Haverfordwest Aug 3
 The Duke of Devonshire & ors v O'Connor app of dft from judgt of Mr Justice Grantham, dated 9 July, delivered at Lancaster after trial at Carlisle Aug 5
 Harries v Luckes app of plt from judgt of Baron Pollock, dated 12 July at trial at Monmouth Aug 13
 Powell v Wallis, Wallis v Powell app of dft from judgt of Baron Huddleston, dated 13 Aug, 1888, at trial at Bristol Aug 19
 Pryce v Hole & anr app of plt from judgt of Baron Pollock, dated 23 July, at trial at Shrewsbury Aug 23
 Vibart v Coles app of plt from judgt of Lord Justice Bowen, dated 12 July, at trial in Middlesex Aug 27
 Barlow & ors v Ross, Barlow & ors v Ross consolidated order dated 3 Jan, 1889 app of pts from judgt of Mr Justice Hawkins, dated 10 Aug, at trial with a special jury at Birmingham Aug 27
 Chancery action Redgrave v Grinsell app of plt from judgt of Mr Commis-

sioner Philbrick, Q.C., for Mr Justice Kay, dated 16 Aug at trial at Birmingham Aug 29
 The Andree Oyster Fishery Co, Id, v Ullman app of dft from judgt of Lord Justice Fry, dated 8 July, at trial in Middlesex Sept 3
 Bagot v Hunt app of dft in person from judgt of Lord Justice Lopes, dated 15 July, at trial in Middlesex Oct 2
 Hubbard v Cree app of plt from judgt of Mr Justice Charles, dated 9 April, at trial in Middlesex Oct 2
 Ball v French app of dft from judgt of Mr Justice Cave, dated 24 May, at trial in Middlesex Oct 3

FROM ORDERS MADE ON INTERLOCUTORY MOTIONS IN THE QUEEN'S BENCH DIVISION.

Interlocutory List.

1889.

West Derby Poor Law Guardians v Atcham Poor Law Guardians (Q B Crown Side) app of West Derby Guardians from Justices Field & Wills affirming order of Sessions, under 12 & 13 Vict c 45, s 11, for Settlement in West Derby Union (restored after decision in Reigate and Croydon case in House of Lords The Queen on prosecution of Alcroft & ors v The Bishop of London (Q B Crown Side) app of the Bishop & Dean & Chapter of St Paul's from order of the Lord Chief Justice & Mr Justice Manisty (Baron Pollock dissenting), dated 1 June, for peremptory mandamus to proceed June 18
 The Glamorgan Banking Co, Id v The Cwm Avon Works Proprietors & ors app of dfts Cwm Avon Co and Banks from Baron Pollock and Mr Justice A L Smith affirming refusal of stay of proceedings Aug 5
 Higgins v A & H Woodhall (American judgt) app of dfts from Justices Day & A L Smith refusing to stay proceedings until payment of balance of taxed costs Aug 7
 Sheppards & Co v Wilkinson & Jarvis app of dfts from Justices Day and A L Smith affirming refusal by Lord Justice Bowen in chambers of unconditional leave to defend Aug 8
 The Queen v Acton Local Board (Q B Crown Side) app of the Local Board from order of Justices Day & A L Smith, dated July 29, giving interest upon certain sums mentioned in order Aug 8
 Jones v The Bangor Mutual Ship Insurance Society app of dfts from order of Justices Day & A L Smith, dated 29 July, affirming Judge's order for statement of case for opinion of High Court Aug 9
 Hargreaves v Burnup app of dft from Justices Mathew and Cave affirming order giving leave to defend on payment into court or sign final judgment Aug 12
 Pickett v Warner app of plt from Baron Pollock and Mr Justice Cave affirming order for reference of action to Official Referee Aug 14
 Robert Holby, judgt creditor Juliet Hodgson, judgt debtor Andrew M Batson, garnishee app of judgt debtor from Justices Mathew & Cave affirming grant of garnishee order absolute to judgt creditor Aug 23
 Hind v H M Postmaster-General app of plt from order of Justices Day & A L Smith, dated 30 July, setting aside writ & judgt entered thereon Oct 16

FROM PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

(ADMIRALTY.)

For Hearing.

With Nautical Assessors.

1889.

Ship River Derwent (damage) Owners of the Allendale v Owners of the River Derwent app of dfts from judgt of Mr Justice Butt, dated 27 Feb March 27 (restored after time allowed for filing record)
 Ship Endeavour (damage) Beadle & ors v Owners of Ship Endeavour & Freight app of pts from judgt of Mr Justice Butt, dated Feb 22 May 9
 Ship Glencoe (damage) Owners of Largo Bay v Gow & ors app of dfts from judgt of Mr Justice Butt dated April 1 May 29
 Ship Rugby (damage) The General Steam Navigation Co v Owners of the steamship Rugby app of dfts from judgt of Mr Justice Butt, dated May 16 June 1
 Ship Duke of Buccleuch (damage) Smith & ors v The Eastern Steamship Co, Id app of pts from judgt of Mr Justice Butt, dated 30 May June 6
 Ship Tweeddale (damage) Gibbs on behalf of himself & ors v The Owners of The Tweeddale app of dfts from judgt of Mr Justice Butt, dated 1 June June 29
 Ship Batavia (damage) Thompson & ors v Owners of the Batavia app of dfts from judgt of Mr Justice Butt, dated 18 May July 12
 Ship City of Lincoln (damage) Owners of the Swedish barque Albatross & her master & crew v The City of Lincoln Steamship Co app of pts from judgt of Mr Justice Butt, dated 16 July, varying registrar's report Aug 3
 Ship Northumbria (damage) Smith & ors v Owners of Northumbria app of dfts from judgt of Mr Justice Butt, dated 2 August Aug 20
 Ship Orchis S Smith Bros & Co v Wyllie & ors app of some of dfts from judgt of Mr Justice Butt, dated 12 August Aug 26
 Ship Assyrian (damage) Ross, T Smyth & Co v Owners of Assyrian app of dfts from order of Mr Justice Butt, dated 30 July Oct 7
 Ship Rockcliff (salvage) Owners of Discovery & ors v Owners of Rockcliff, cargo, and freight app of pts from judgt of Mr Justice Butt, dated 2 August Oct 7

APPEALS IN BANKRUPTCY.

In re John Norris Expte Geo Raynolds, a creditor app of John Norris from receiving order made by Mr Registrar Linklater, dated 20 Sept
 In re J E French Expte Trustee of T S Ashwin app of J E French from order of Mr Registrar Linklater, dated 25 Sept, appointing receiver
 In re James Butcher, dec Expte Trustee app of Trustee from order of Mr Registrar Linklater, dated 9 Aug, refusing to declare assignment void

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

MICHAELMAS SITTINGS, 1889.

Causes for Trial or Hearing.

(Set down to Thursday, October 17th, inclusive.)

Motions, Petitions, and Short Causes will be taken on the usual days, as stated in the Michaelmas Sittings Paper.

Actions with and without Witnesses will be taken by Mr. Justice Kay on the usual Cause days in the order as they stand in the Cause Book.

Mr. Justice Chitty will take Witness Actions on the following days, viz.:—November 12, 13, 14, 19, 20, 21, 26, 27, 28. His Lordship will sit in Chambers every Monday during the Sittings. In the weeks when Non-Witness Actions are taken Further Considerations will be taken on Tuesdays. In the weeks when Witness Actions are taken, Further Considerations will not be taken on Tuesdays, but may be taken on Saturdays.

Mr. Justice North will take Witness Actions on the following days, viz.:—November 11, 12, 13, 14, 18, 19, 20, 21, 26, 27, 28; December 2, 3, 4, 5.

Mr. Justice Stirling may take Witness Actions, and if so, his Lordship will appoint the days after the commencement of the Sittings. His Lordship will sit in Chambers every Monday during the Sittings.

Mr. Justice Kekewich will take Witness Actions every day, in the order as they stand in the Cause Book. See Note on Sittings Paper as to Liverpool and Manchester District Registry Business.

Adjourned Summonses will be taken as follows:—Mr. Justice Kay, on Fridays and Saturdays; Mr. Justice Chitty, with Non-Witness Actions, except Procedure Summonses, which (if any) are taken every Saturday; Mr. Justice North on Fridays and Saturdays; Mr. Justice Stirling also on Fridays and Saturdays.

N.B.—The above note as to adjourned summonses is subject to alteration as their Lordships may direct.

Before Mr. Justice KAY.

Cause for Trial (with witnesses and without witnesses).

In re Curshaw, Curshaw v Gallimore act wits

Case v Case act, consold wits

London & Prov'l Bank ld v Harrington act wits (restored)

Fenner v Fenner act wits

Robinson v Cardland act wits

King v Hallam act wits

Wells v Mason act, wits

Jarrow, & Co, Bldg Soc v North Eastern Banking Co, ld act wits

Bird v Ingram act wits

Davies v General Credit, & Co act wits (not before Nov 30)

Miller v Steer act wits

In re The Meta Coal Consumers Assocn, ld, & Co's Acts Expte W Wainwright motn, wits list by order part heard

In re the same Assocn Expte W F Thursty motn, wits list by order

In re the same Assocn Expte H L O'Grieb motn, wits list by order

In re the same Assocn Expte J M Anderson motn, wits list by order

In re the same Assocn Expte J Uasher motn, wits list by order

In re the same Assocn Expte B Kisch motn, wits list by order

In re the same Assocn Expte Sir G Campbell motn, wits list by order

In re the same Assocn Ex parte W Wright motn, wits list by order

Mills v Wright act wits

Bush v Dain act wits

United Telephone Co, ld v Tasker & Sons act wits

In re Harvey Farmer v Harvey act wits

Maud v Erskine act, wits (not before Nov 1)

Charles v Gover act, wits

Roberts v Edwards act, wits

Homfray & anr v Oliver & ors act, wits

The Briton Medical & Assocn v Britannia Fire Assocn act, wits

In re Oddy Garthwaite v Carter act, wits

Fothergill v Humphreys act

Strong v Capital & Counties Bank, ld act

Branton v Young act wits

Hobbs v Hobbs act

Rendall v Blair act wits

Moxon v Berkeley Mutual Benefit Bdg Soc & ors (special case)

Skilbeck v Royal Bank of Scotland act & m f j (Hilary)

In re McKee, Forster, & Co, ld & Co's Acts motion wits

Smith v Smith act wits

Scott v Homer act wits

Tilbury, on behalf, & c v Silva act wits

Lampough v New Brunswick Tradg Co act wits

Poulett v Harrison & Sons act wits

Winnington-Ingram v Webb act wits

Few v Pember act wits

Bourke v Davis act wits (first cause day by order)

Bell v Weaver act wits

Morley v Butcher act wits

Smith v Moore act wits

Flint v Munns act wits

In re Met Coal Consumers' Assoc ld & Co's Acts (Expte W Ross) motion wits list, Ly order

Hunt v Dupree act wits

In re The Elephant & Castle Horse & Carriage Repository ld & Co's Acts motn, wits cross-exam'd by order

In re Phillips Guedalla v Guedalla act

Everard v Everard act wits

In re The Met Coal Consumers' Assocn ld & Co's Acts motn wits Expte E J Radford list by order

Harrison v Goodland act

Bristol Co-operative Land & Bldg Society ld v Morris act

Rhodes v Winter act

Stacey v Chester act m f j wits

Bird v Warren act wits

Awbery v Jackson act wits

Jones v Jones act

W Barton & Co ld v Martineau act wits

In re the Meta Coal Consumers' Assoc. ld & Co's Acts Expte E. Constance motn (transferred from Mr. Justice North)

In re the same Assoc. & Co's Acts Ex pto Rev J. Edwards motn (transferred from Mr. Justice Stirling)

De Walden v Marquis of Bristol act

Towle v Platt act wits

Mitchell v Orton act

Luxmoore v Gorton adj sums—cross-exam'd

Harold v New Zealand Antimony Co ld act wits

Ashby's Cobham Brewery Co ld v Richens act wits

Taylor v Russell act

Aluminium Co ld v Alliance Aluminium Co ld act wits (Easter Sittings, 1890)

Smith v Elwell-Parker ld act wits

In re Raston Elliott v Braebridge act

Bristol, Cardiff, and Swansea Aerated Bread Co v Maggs act wits

Pascall v Toope & Co act wits

Rumney v Sankey act wits

Bannister v McDonald act wits

Batchelor v Western District Army & Navy Co-operative Soc ld act

In re West West v Elliot act

Marks v Cave act

Weedon v Weedon act wits

Harris v Marcussen act wits

Willcocks v Croaker act wits

Walker v Walker act

Lawton v Phelps m f j (short)

Sullivan v Butcher m f j

Richards & Co v Butcher & anr point of law

Loeb v Fryer act wits

Richards v Butcher act wits

Morrall v Morrall act wits

Bowle v Owen act wits

Portier v Talbot act wits

Lake Valley of Switzerland Ry Co ld v Bartling act wits

Keppel v Keppel m f j (short)

The Farmers and Cleveland Dairy Co, ld v Enkel act wits

K M Withall v Withall act wits

W W Withall v Withall act wits

In re E A Williams Morgan v Williams m f j (short)

Sims v Evans Evans v Sims act wits

Further Considerations.

Conmore v The North West Provinces, & Co, Id fur con

In re Dale Stubbs v Dale fur con

In re Clarkson Clarkson v Mackeeth fur con

In re Dunsford Lee v Dunsford fur con

Browning v Baldwin In re Booth

Booth v Baldwin fur con

Blaker v The Herts & Essex Waterworks Co, ld fur con

In re J Beazley Thomson v France fur con

In re Hopkins Dowd v Hawtin fur con (short)

Adjourned Summonses.

Thom v Taylor pt hd

In re Pacific's Will, & Co

In re Dale & Plant, ld, & Co's Acts

In re Ellis Parry v Ellis

Headland v Fallows

Harrison v Starkey

In re Ford Sherratt v Ford

In re Rhodes Rhodes v Rhodes

Heritage v Burrows

In re Western Insurance Co, ld & Co's Acts

Before Mr. Justice CHITTY.

Cause for Trial (with witnesses)

In re Phillips, dec Rogers v Bullock adj sums with wits

The York City & County Banking Co v Morrill act and motion for judgment

Attorney-Gen v The London & N W Ry Co act

Read v Cottrell Cope v Lidard act

Frosmantle v Ladite act

Plumbly v The Tivoli ld & ors act

Bullock v Dale act transd from Q B D

Saxby v Farmer act

Boam v Emanuel act

Dammer v Harding act

Fowler v Barstow act & m f j

Walker v Needham Needham v Walker act

Campbell v Hawkins act

Myers v Myers act

Gottwaltz v Foster act

Otto v Singer act

Norman v Oakley act

In re Wm Bigham, dec Thorne v Jeremiah act

Macqueen v Zeriff act

Stewart v Snee act

Glubb v Skinner act

Bolton v Chappell act

Phillips, on behalf, & c v The Atkins Filter & Engineering Co, ld act

Fletcher v Nicholls Nicholls v Fletcher act

Hart v Naibay act

In re Jas Fraser, dec In re Ann Fraser, dec Guthrie v Fraser Fraser v Guthrie act

Groom v Loader act

In re Carvell, dec Hawkins v Turner act

The Western Wagon & Property Co, ld v West act

Hunt v Morris act

Gravitt & Wife v Lambert & ors act

Cockell v Barmester act

Delmar v The London Joint Stock Bk ld act

The Enfield Local Board of Health v Digby & anr act

Tonoh v Brown act

Haufstaengl v Saqui & Lawrence act

In re Wrecks, dec Wrecks v Creswick act

The Mexican Santa Barbara Mining Co ld v Dickey act

Lockhart v The London Improved Cab Co ld act

Heritage v Miller act

Barlow & Jones ld v Johnson & Co act

Palmer v Robinson act

Brown on behalf & c v The North Carolina Estates Co ld Robins v Brown act & m f j

Siemens v The Landore Siemens Steel Co ld act

King v Palmer act

The Briton Medical & General Life Assocn ld Steward act

In re J. A. Read's Settlement Bailey v Lees adj sums with wits

The Mayor & c of Burslem v Watkin act

Henderson v The Bank of Australasia act

Gordon v Dewar act

The Mexican Santa Barbara Mining Co, ld v Saunders act

Quirk v The International Cable Co, ld act

Hazeldine v Slagg act

Attorney-Gen v Bosson act

Levy v Pound act

Woolf v Cordfield act

In re M Waller, dec Were v Hilton act

In re W Rackham, dec Ormandy v Rackham act

Marshall v Hughes act

Williams v Beal act & m f j

Brabazon v Green & anr act

Cartwright v Brown act

Broadwood v Prime act

Lawrence v Horton act

Pliesart v Stoffelen act

Tyson v Coon act

The Metropolitan Music Hall Co, ld v Lake & anr act

In re A O'Connor, dec Smith v Heritage act

Layard v Hillcary act

Cause for Trial (without witnesses).

Philpott v Morewood act & m f j

The London & Tilbury Lighterage Co ld v The London & India Docks Co act for trial without pleadings (by order)

Attorney-Gen v Talbot act

In re W Fry's Estate Fry v Fry adj sums

In re Oliver, a solicitor adj sums to tax

In re Dawson's Estate Johnstone v Hill adj sums

In re F. Kelley, dec Whitworth v Oates adj sums

In re W. Bell, dec Bell v Bell adj sums

In re the Landore Siemens Steel Co ld in liquidation & Co's Acts claim of Trustees for debenture holders adj sums

Reynolds v Pipkin adj sums

Williams v Daniel act

In re Barlow & Jones Trade-Marks Expte opposn of Johnson & Co Nos 1309 & 1321 adj sums to register

In re Barlow & Jones Trade-Marks Expte opposn of Johnson & Co No 1312 adj sums to register

In re Barlow & Jones Trade Marks Expte opposn of Johnson & Co No 1,313 adj sums to register

In re R Yerbury's Estate Ker v Dent adj sums

In re T H Rackham's Estate Carter v Rackham adj sums

Ullee v O'Bieme adj sums

Ellis v Hull & Barnsley Ry Co adj sums

In re C Alderson, dec Alderson v Peel adj sums

In re Bald's Estate Bald v Bald adj sums

In re Meer & Fowler, solrs adj sums

Jackson v Fulham Vestry (light & air) Expte Defts adj sums

In re Wenham Lake Ice Co ld Expte Stephen Barney adj sums

In re Wenham Lake Ice Co ld Expte F F Wooldridge adj sums

In re E Ground's Estate Walker v Peake adj sums

In re George & C H Marshall, solrs

In re John Dixon, dec adj sums

In re W G Craven's Settlement & Lands Clauses Act objections of the London County Council adj sums

In re George Stokes, dec Harnett v Stokes adj sums

Lindsay v Bailey m f j (short)

In re Cris Gray, a Solr Expte C Gray adj sums

Jones v Aberlenn and South Wales Monumental Co act (Newport D R)

Phillips v Thomas act

In re Mawdsley & anr Mawdsley v Gemmell adj sums

Points of Law.

The Neath Permanent Benefit Building Society v Luce For argument pursuant to order, dated 19 July

Davies v Harper For argument pursuant to order, dated 31 July

Further Considerations.

In re Cutts, dec Seal v Seal fur con
In re Galloway, dec Galloway v Galloway fur con, short
In re Ground, dec Ground v Ground
Ground v Ground fur con of first action
Williams v Dunphy fur con after Official Receiver's report
In re Homes, dec Homes v Homes fur con adjd from chambers
In re Philip Loye, dec Stidston v Loye fur con adjd from chambers

Before Mr. Justice NORTH.

Causes for Trial (with witnesses).
City Bank, Id v Thompson act (rectd)
Kelly v Heathman act & sums
Jepps v Wigham, Richardson, & Co act

White v Solomons act
In re Lowish Lowish v Lowish act
Trustee of T Carr (bankrupt) v Carr act

Baker & Sons v Rawson Bros act & motn
In re Baker's Trade Mark
Baker v Baker act
Phillips v Kearney act & m f j
In re G Shenton Wood v Shenton

question of fact
Graeme v Walker act
Colley v Hart act
Hart v Colley act
Hart v Colley act

Metn Trading Assoc, Id v Dobson act
In re Lees Fitzner v Evans act
Whittaker v Kershaw act (not before Nov 30)

In re White White v Berry act
Jones v Watts act
Hayne v Burchell act
In re Sadler Sadler v Sadler act

Weatherley v Hazard act
Messenger v Loader act
Levy & Co v Wartmann act
Bentinck v The London Joint Stock Bank, Id act

Watt v Watt act
Jones v Richard act
Ayscough v Buller act
Temple v Sweetman Sweetman v Temple act

Thorne v Stone act
Fox v Knowles act
Mallam v Mallam act
Porder v Hall act

Parrett v Loxley act
Jameson v Levy act
Attorney-Gen v Morgan act
Birkin v Wing act

Aas v Benham act
Kays v Bliss act
Nowlan v Hardy act
Gilbey v Pountain act

Handley v Hazlehurst act
Municipal Freehold Land Co, Id v Viscount Pollington act

In re Nock Bolton v Viall act
Hokins v Salzmann act
Rawes v Chance Bros act

Spink v Ashley act
Peacock v Beadell act
Baxter v Taylor act
Allen v Parkes act

Parnell v Halkett Halkett v Parnell act
In re Hambleton Hambleton v Hambleton act

Florence v Mallinson act
Pound v Ellis act
Tuppeny v Neve Macintosh v Neve act

Bourne v Collis act
In re Paekett Burton v Forrest act
Wray v Singer act

Causes for Trial (without witnesses).
Best v Beste m f j
Earl of Aylesford v Earl Poulet act (not before Nov 20)

In re Oliver Townsend v Baxter act
Smithett v Hesketh Bart act
In re Westwood Westwood v Westwood act

Borridge v Berridge special case
Middleton v Middleton act
In re Field Howard v Inall act
Garratt v Ashton m f j

In re Portuguese Consolidated Copper

Mining Cold & Co's Acts motn to rectify register and sums
In re Same Co's Acts motn
Marquess of Northampton v Pollock & ora point of law
Scheyr v Willett act
Pontifex v Wood, Id v Pontifex
Pontifex v Pontifex & Wood, Id act
Skinner v Pryke & anr act

Further Considerations.
In re Meloy Mc'oy v Meloy fur con
Hoppe v Cullen fur con
Gartside v Crawford fur con

In re Huggins Collins v Huggins act pt hd set down and to come on as fur con
In re Ellis-Jones Jones v Evans fur con (1883, J 1744)

In re Ellis-Jones Jones v Evans fur con (1886, J 867)
In re Robinson Foster v Barton fur con
In re Caswell Quincey v Wigelsworth fur con

In re Johnson Marsh v Lewis fur con & 2 sums
In re Hart Creba v Hart fur con (short)
Aistle v Peters fur con & sums
Orange v Martyn 2nd fur con

Adjourned Summonses.
In re Tower Slater v Harford
In re Bainbridge Reeves v Bainbridge (rected)

In re Harrison Townson v Harrison
In re Hill Fawcett v Fawcett
In re Brecon & Ry Co & L & N W Ry Co & V & P Act, 1874

In re Jones Dutton v Brookfield
In re Wyatt Phear v Harley
Christie v Northern Counties Permanent Bldg Soc
Municipal Freehold Land Co Id v Viscount Pollington

Landowners' West of England South Wales Drainage & Inclosure Co and others v Ashford
In re Barratt Whittaker & Co v Barratt

In re the Victory Id & Co's Acts
In re Sacre Mahoney v Sacre
In re Loughnan Howell v Harding (Plt)

In re Same Same v Same (Def't)
In re Blackburn Smiles v Blackburn
In re Hamilton Bezeley v Hospital for Consumption

In re Ferris Goldsbrough v Ferris
In re Bousfield Leckie v Foster
In re the Llynvi & Tondy Co & Co's Acts & motion (28 Oct)

Jones v Watts
In re Appln for Registration of Trade Mark by Rawson & Bros & Co (to come on after act of Baker v Rawson)

In re Eldridge Grey v Parsons
In re Murdock Crowthers v Miller
Hurst v Hurst

In re Bethune Wood v Fraser
Edwardes v O'Brien
In re Jackson Ashbee v Warne
In re Taylor Taplin v Taylor

Before Mr. Justice STIRLING.
Causes for Trial (with witnesses).
Jones v Loftis act

Barnet v Simpson act
Charig v Fox act
Trustees of G Galland (bankrupt) v Darbyshire act

Talbot v Evans
Holford v Holford act & sums
Sheldon v Bagley act wits
Harwood v S idworthy act

Same v Same act (transferred from Q B Div)
Hainsworth v Smart act

Societe Anonyme, & v Perangue & Co act (not before 18 November)
Vernon v Darlaston Coal & Iron Co. act

Shorthorn Dairy Co, Id v Hill act
Lavery v Kirk act
H Warner & Co v J Warner act

Barnett v King act
J Rolls & Sons, Id v G Rolls & ora act (not before 1 December)

Easton v Dawney act
The Briton Medical & Gen Life Assen, Id v Monckton act

Milroy v Milroy act
Storey v Carter Paterson & Co, Id act

Souhammer v Keeble act
Marshall v Almond act
Blyth v Fladgate act
Fawcett v Jenkinson act

Pinto Leite v Pinton Leite act
Norman v Bullmore act
Vaughan v Jones act
Halifax Sugar, & Co v Franklyn act

Milford Haven, & Co, Id v S Pearson & Son act
Strousberg v Sanders act
Morgan v Blyth act

Harrison v Improved Industrial Dwellings Co, Id act
Tymn v Tymn act
Fegler v Harris act

In re J. Davis Joseph v Davis act
Langrish v Weeks act
Bruton v Morgan act

Whiteley v James act
Barnes v Bynoe act
Schwartz v Webber act & motn for judgt

Gardam v Cowburn act
Rathbone v Robinson act
Bourne & anr v Hev et Cie act

Bourne & anr v H. Sherwood & Co act
Thomson v Macdonald & Co act
Causes for Trial without Witnesses and Adjourned Summonses.

In re the Credit Co, Id & Co's Acts adj sums
In re Blumberg & Co, Id & Co's Acts adj sums

Worrell v Davis (plt) adj sums
Same v Same (dft) adj sums
In re Nottingham Malleable Iron Co, Id Expte J J Kelly adj sums

In re Harding Tarleton v Middlesex Hospital adj sums
Probyn v Law Guarantees & Trust Soc, Id act

In re G Euen Stewart v Euen adj sums
Porter v Sears point of law
In re Williams Powell v Williams adj sums

In re Williams Gough v Williams adj sums
In re Jodrell Jodrell v Seale adj sums
Sparks v Blencowe act (short)

In re Forteah Hawksley v Goodwin adj sums
In re Gaitskill Griffin v Gaitskill adj sums
Fisher v Shirley adj sums

In re Harrison Salt v Pike adj sums
Thomas v Acland m f j
In re Corfield In re Howell Phillips v Phillips adj sums

In re Parker Bishop of Wakefield v Parker adj sums
In re Brighton Music Co, 1st, & Co's Acts adj sums

In re Blatch Blach v Feander adj sums
In re Foster Foster v Tighe adj sums
In re Cross Caturi v Cross adj sums

In re E Roshier Milroy v Hukes adj sums 21 March, 1889
In re Roshier Milroy v Roshier adj sums dated 21 March, 1889

In re Roshier Roshier v Hukes adj sums dated 5 Dec, 1888
In re Paxton Northey v Wavell adj sums

In re MacIver MacIver v MacIver adj sums dated 18 Dec, 1888
In re MacIver MacIver v MacIver adj sums dated 7 May, 1889

In re the Mutual & Permut Benefit Bldg Soc & Co's Acts adj sums
In re Barnard James v Tripp adj sums

In re Thomas & Turner's Contract Turner v Thomas adj sums
Beresford v Campbell adj sums
In re Hodgakin's Estate Lenty v Hodgakin adj sums

Davidson v Richardson act & m f j
In re J Bird, & Co, & L C Act adj sums
In re Walker Church v Tyacke adj sums

In re Hubbard Russell v Ede adj sums
Hedgcock v Bradbeer m f j
In re Thompson Belford v Teal adj sums

In re Gt Northern Salt, & Co, Works & Co's Acts adj sums
In re the Sams (Expte Keenely) adj sums

Knight v Jones adj sums
In re Devenish Devenish v Hoppps adj sums
Griffith v Pound adj sums

Pound v Griffith adj sums
In re Woodward & Co, & Co adj sums
In re Astbury Astbury v Astbury adj sums

In re Goldsmid Mocatta v Attorney-Gen adj sums
In re Baskerville Scott v Gardiner act

Leacroft v Pearson act
In re Board Baily v Board m f j
In re the Mersey Ry Co & Ry Co's Co's adj sums

James v Bythorpe Colly. Co Id adj sums
In re the New Chili Gold Mining Co & Co's Acts adj sums
In re C. E. Dacres Paterson, & Co adj sums

In re Dickson Dickson v Dickson adj sums
In re Congdon Steed v Congdon adj sums
Wybrow v Haird adj sums

In re Elias Owen v Michael adj sums
France v Webb adj sums
Commissioners of Sewers v Regent's Canal & Ry Co act

In re Elphinstone Retch v Elphinstone adj sums
McIlraith v The Pyle Works Id & In re the Pyle Works Id & Co adj sums

In re the House Improvement & Supply Assen Id & Co's Acts adj sums
In re Durant Durant v Evans m f j
In re Teede & Davis & V & P Act 1874 adj sums

In re Wolmershausen Wolmershausen v Wolmershausen adj sums
In re Same Same v Same adj sums
In re Roebuck Schole v Whiteley adj sums appln of ptlft

In re Same Same v Same adj sums appln of dft
In re Same Same v Same adj sums appln of E J R Whiteley

In re Francis Wm Brothers & Co adj sums
The Irish Exhibition in London v Natl Agricultural Hall Co Id act

Further considerations.
Barker v Stopford fur con
In re King Wheeler v King King v King fur con

In re Aston Aston v Aston fur con & sums
Stovin v Moll fur con
In re Cormack Cormack v Cormack fur con

Before Mr. Justice KEENEWICH.
Causes for Trial (with witnesses).
H M Alden v Stubbs act

F M Alden v Stubbs act
Transferred from Justices CHITTY, NORTH and STIRLING, for Trial or Hearing only—by Order, dated May 29, 1889.

Brenan v Scholfield act
Scott v Snaep act
Hamond v Garney & Co act

Endrick v Alden act pt hd
In re Shaw Rumsey v Shaw act
Davies v Nash act

Melland v Universal Stock Exchange Co, Id, & ora act
Figgis v Bruce act
Worman v Worman act

Rhys v Powell act pt hd
McMurray v Cardwell act
Tottman v McMullen act

Parry v Pym act
Jones v Simas act
Cockburn v Crisp Crisp v Cockburn act

Johnson v Hobman act
Wood v Jones act
Newman v Stone act

Tomkinson v Baron Penrhyn act
In re G Stokes Cooper v Stokes act
Kendall v Lowles act

Martyr v Blackaby act
 Daw v Woodcock act
 Gill v Shelton act
 In re Hall Addison v Conyers act
 Harrod v Page act
 In re Metcalfe Metcalfe v Metcalfe act
 Bateman v The Holborn Restaurant, ld act
 Baker v The Neath & Bristol Steamship Co, ld act
 Steerman v The Southern Counties Deposit Bank, ld act
 Vestry of St Luke's, Middx v The Regent's Canal, City and Docks Ry Co act
 Serahall v Bott act
 Sampson Low v Bentley act
 The Deutsche Fabrik v Wertheim act
 Tinkler v Graves act
 Bournemouth Commrs v Holden act
 Lidiard v Lamb act
 Coulson v Kennedy act
 In re J H Jones Biden v Jones act
 Darby v Newman act
 Blagrove v Blagrove
 Van Gelder, Apsimon & Co v The Sowerby Bridge United District Flour Soc act
 In re Smith Wormald Whitaker v Paley act
 In re J. Dillon Duffin v Duffin adj sums
 Spencer v Wood act (Liverpool D R)

Deferred List.

Pelletier v Jensen act
 Hartley v Watson act
 Roberts v Roberts act & m f j
 Williamson v Hine Bros act
 Williams, the younger v S Nye & Co act
 In re Walters Neison v Walters adj sums (transd from North, J.)

Transferred from Justices NORTH and STIRLING, for Trial or Hearing only—by Order dated 22nd August, 1889.

Stronsberg v McGregor act
 Follows v Wilcock act
 Rees v Richmond act & m f j
 Heath v Duke of Abercorn act
 Hall v Powell Powell v Hall act
 Cook v Levene act
 Countess of Ellesmere v Davis act (not before 2 Nov)
 Hopcraft v Hopcraft act
 Watt v The Maxim Electric Co ld
 The Maxim Electric Cold v Watt act
 Hatfield v Nunn act
 Smith v Church act
 Atkin v Smith act
 Edney v Modell act
 Browne v Margrave act
 In re Hooper Hooper v Chambers L & C Bkg Co v Hooper act
 In re Longstaff Longstaff v Longstaff act & third party notice
 Schults v Vassmer act
 Kershaw v Lister act
 Bates v Gibbs act
 Oliver v Hunting act
 In re Patrick Bille v Tatham act
 Duncan v Dixon act

Moore v Turner act
 Farrow v Third Genl Post Office Clerks, & Co Buildg Socy act
 Wallis v Lomas act
 Hemmings v Isaacson act
 Phillips v Ivel Cycle Co ld act
 Dick & ors v Hannay act
 Cooper v Rooks act
 Morley v Yorkshire Lead Mines Co ld act
 Hustler v Hammond act
 Robinson v Adams act
 In re Warren Randleon v Randleon act & m f j
 Crafts v Crafts act
 Rugby Charity Trustees v George act
 House Property, & Co, Co ld v Projectile Co ld
 In re the New Durham Salt Cold & Co's Acts motion
 Oxford v Cocks act
 Snafto v Lon & Provl Law Assoc Soc & ors act
 Rossiter v Rossiter act
 Riteon v Hendon Paper Mill, Co ld act
 Sheppard v Lon Electric Supply Corpn ld act
 Gale v Franklin act
 In re Walker Walker v Walker act
 Whitby v Hoskins act
 Palmer v Clark act
 Bonall v Davies act
 Davison v Johnson act & m f j
 London & North-Western Ry Co v Boulton act
 McDougall v Copes'ake act
 Reed v Swann act & m f j
 Yeoman v Agriculture, & Co, Co ld act
 Vallance v Barr & Co act
 Simmons v London Joint Stock Bk, ld act
 Aplin v Same act
 Little v Same act
 Cockle v Stargrove act
 Aldridge v Aldridge act
 Counts & Co v Irish Exhibition in London act
 Bolton v Ridley act
 Shakell v Helyer act
 Rubinstein v Foppoli adjd sums
 Morris v Quibell act
 In re Hearn Rynd v Lang act
 Gard v Barry Patent Manure Co, ld act
 Universal Automatic Machine Co, ld v Braun & ors act
 Bone v Smith act
 In re Black Willems v Barr act
 Williams v Snyder Dynamite Projectiles Co, ld act
 Dierck-Patterson v Foots act
 Eddowes v Argentine Loan, & Co, Soc, ld act
 Vorwerk & Son v Evans & Co act
 In re Lawrence, Newman v Lawrence act
 Hanson v Dodd act
 Sturridge v Hille act
 Webb v Price act
 Scott v Snyder Dynamite Projectile Co, ld act
 Grady v Grady act

Set down 28th June Middlesex Garrett v Blackfriars Publishing Co, ld Mr David Justices Grantham
 Set down 29th June Middlesex Tucker v Flower (by order) Mr Candy Justice Stephen
 Set down 4th July Middlesex Tomlinson v Consolidated Credit, & Co, Corpn Mr Cock Justice Grantham
 Set down 5th July Middlesex Massey v Lutwyche Mr B Rowlands Justice Grantham
 Set down 15th July Middlesex Cochrane v Entwistle Mr Kisch Justice Manisty
 Set down 25th July Northampton Whitton v Harrison Mr J C Lawrence Justice Hawkins
 Set down 25th July Cambridge Everson v Barker Mr Horace Brown L C J of England
 Set down 25th July Durham Lieg v Gatling Gan, ld & anr Mr L Walton Justice Mathew
 Set down 30th July Lincoln Morrison v Scott Mr Bazard Justice Hawkins
 Set down 31st July Lincoln Halmshaw v Lyne Mr Harris Justice Hawkins
 Set down 31st July Durham Matheson v Robinson Mr L Walton Justice Cave
 Set down 31st July Manchester O'Brien v Salisbury Mr Gally Justice Stephen
 Set down 2nd August Leeds Fellers v Moore Mr T Atkinson Justice Cave
 Set down 2nd August Exeter S arkey v Cargenvea & Co Mr Ballen Justice Denman
 Set down 5th August Manchester Satterthwaite v Satterthwaite Mr Bigham Justice Grantham
 Set down 9th August Newcastle-on-Tyne Scrafton v Best Mr Steavenson Justice Mathew
 Set down 12th August Liverpool Shutt v Holgate & ors Mr Kennedy Justice Grantham
 Set down 19th August Liverpool Bradley & anr v Ascroft Mr H Collins Justice Grantham
 Set down 23rd August Birmingham Morgans ld v Hosketh & ors Mr Dagdale Justice Hawkins
 Set down 26th August Bristol Otridge v Luce & ors Mr Bompas Justice Denman
 Set down 23rd September Swansea Anthers v Hayward & anr Mr A Thomas Justice Manisty

SPECIAL PAPER.

For Argument.

1889.

Set down 6th May Due 11th May Hanbury & Co In re Arbitration between London, Tilbury, & Southend Ry Co & Trustees of Gower's Walk School special case
 Set down 30th May Due 4th June Torr & C Total Loss Mutual Steamship Insurance Co v Butt Special case Motion for New Trial No. 6, to be argued with this case
 Set down 4th June Due 18th June Ross & Norman Stowell (trading, & Co) v Gatehouse Special case
 Set down 12th June Due 18th June Powell & G Holdsworth & anr v Blackler Points of law
 Set down 15th June Due 22nd June Parker, G & P London Steamship Owners' Mutual Losses Assoc, ld v Gramplan Steamship Co, ld Special case
 Set down 12th July Due 16th July Rowell & Co Rook v Homes & anr Special case
 Set down 25th July Due 30th July Rooks & Co Higgins v Woodhall & anr Points of law

OPPOSED MOTIONS.

For Argument.

Hind v Smith & ors part heard, June 20, 1889, before the L C J of England and Mr Justice Hawkins
 Same v Same do do do
 Same v Same do do do
 Same v Same do do do
 Same v Same do do do
 Christopher v Smith & ors to come on with the above part heard cases
 Same v Same do do do
 Same v Same do do do
 Same v Same do do do
 Same v Same do do do
 Street v Doody & anr part heard, August 7, 1889, before Baron Pollock and Mr Justice Cave S O for notice
 In re Arbitration between Kirk & anr & The East and West India Dock Co pt hd 12, 15, 16, 17 April, 1889, before Justices Denman & Stephen S O for notice
 In re Same S O for notice
 Vague v Davy
 Holmes v Cardigan & anr
 Russ & anr v Russ
 Masters & anr v Davies
 In re Arbitration between Pymon Bros & Drayfus Bros & Co
 Kearley v Thomson & anr
 Toppin v Coulson
 Fawcus (trading & Co) v Milburn & Co & ors
 Morris v Babro
 Chamberlyne v McCaw & ors
 Williamson & ors v Salmon & anr (trading, & Co)
 Financial Times, ld v Wilcox & ors
 Drayton v Drax
 Bazett v Morgan
 Thomas v Jenner
 Listowel & ors v Graham
 Davillier v McMurdo
 Samuels & Co v Beasler, Waechter & Co
 Commercial Bank of Scotland, ld v The North British Foundry Co
 Jessup v Pithrow
 Stoker v Stoker
 Lang & ors v The Whitecross Co, ld
 La Campnia de Maderas v Gray & ors
 In re G M Clements Expte Kearns

HIGH COURT OF JUSTICE.

QUEEN'S BENCH DIVISION.

MICHAELMAS SITTINGS, 1889.

NEW TRIAL PAPER.

For Argument.

1889.

Set down 16th May Middlesex Henderson v Coulson Mr Terrall L C J of England
 Set down 17th May Middlesex Wagner v Coulson Mr Lockwood Justice Denman
 Set down 23rd May Middlesex Bailes v Clark Mr Waddy Justice Denman
 Set down 29th May Middlesex Wortham v Towne Mr Finlay Justice Manisty
 Set down 3rd June Middlesex Boiler v Brodhurst & ors Plt in person Justice Denman
 Re-tored June 6 Gloucester Total Loss Mutual Steamship Insurance Co v Butt Mr R T Reid Baron Huddleston To be argued with Special Case No 2
 Set down 6th June Middlesex Gillett v Governor and Co of Bank of England Mr Philbrick Justice Denman
 Set down 15th June Middlesex Praed v Graham Mr T R Kemp Justice Denman
 Set down 18th June Middlesex Armitage v Joint Stock Assoc, ld, & ors Mr Finlay Justice Hawkins
 Set down 28th June Middlesex Day v Finch Mr Candy Justice Manisty
 Set down 28th June Middlesex Atkins v Free & ors Mr Forbes Justice Manisty

Preece & ors v Harding & anr
 Leech v Syer
 Hanly v South East Metropolitan Trams Co
 Powers & Sons v Wells & ors
 Cole v Swansea Co-operative Building Soc & ors
 Lidgold v Robinson
 Abrahams v Sawyer, Mead & Co
 Mackay v Manchester Press Co, ld
 Studdy v Mulloney
 Evans v Newfoundland Ry Co & ors (reinstated by order)
 Alliance Aluminium Co, ld v Ward
 Cullerne v London, Suburban, & Co, Building Soc
 Gerhard & anr v Montague & Co (Low, Sons & Co, clmts)
 Same v Same
 Norman & Co v Norman
 Abrahams, Sons & Co v Besson & anr urgent
 Rowles v King
 Serrano & Sons v Campbell & ors
 Weston v Dowling & anr
 Jenner v Jenner & anr
 Gillon & Co v Syer
 Cape Copper Co, ld, v Comptoir d'Escompte de Paris & ors
 Gompers v White
 Jenner v Jenner & anr
 Lewis v Chamberlaine
 Smith v King
 Yarrow v Kibble & anr
 Shorter v Brown
 Patey v Gulver & anr
 Same v Same
 Leslie v East & Co
 Aldred v Everett
 Serrano & Sons v Campbell
 The Southern Counties Deposit Bank, ld, v Hughes-Hallett & ors
 Ellinger & Co v Shirazee
 Barker v Quinn
 Tangyes, ld v Inman & International Steamship Co, ld, & ors
 Ross v Baker
 Jones v Smith
 Saunders & ors v Jarvis & anr
 Green v Financial Times, ld, & ors (pt hd before Baron Pollock, Vacation Judge)
 The Swedish, & Co, Ry Co, ld v Magneto Iron, & Co, ld
 Wyatt v Wyatt
 Wood v Felgate
 The Uttoxeter Brewery, ld v Williams
 Rubinstein v Day
 Hampden v Spong
 Gedge v Evans
 Mioville v Marks
 Falck v Axthelm
 Baker v Williamson
 Jones v Mason
 Sloan v Robinson
 Miles v Littlewood (Hewitt, garnishee)
 In re a Solicitor Expte Incorporated Law Society
 In re a Solicitor Expte Same
 Goodman & ors v Brown & Co
 Richards & Co v Trotter & Co
 Pollock v Sharpe & anr
 Pyrkina & Wife v Alabone & Wife
 Satterthwaite v Satterthwaite
 In re Arbitration between Morgan & Williams
 Brassey v Brown
 Cragh v Crawshaw
 Badcock & anr v Hunt
 Sanderson v Holtum & ors
 Joyce v Road
 Robinson v Jenkins & anr (Bebro, clmt)
 Theobald v Willett

HIGH COURT OF JUSTICE.—QUEEN'S BENCH DIVISION.

MASTERS IN CHAMBERS FOR MICHAELMAS SITTINGS, 1889.

A to F.—Mondays, Wednesdays, Fridays, Master Kaye. Tuesdays, Thursdays, Saturdays, Master G. Pollock.
 G to N.—Mondays, Wednesdays, Fridays, Master Walton. Tuesdays, Thursdays, Saturdays, Master Macdonell.
 O to Z.—Mondays, Wednesdays, Fridays, Master Francis. Tuesdays, Thursdays, Saturdays, Master Manley Smith.

MICHAELMAS SITTINGS, 1889.

A to F.—All applications by summons or otherwise in actions assigned to Master Johnson are to be made returnable before him in his own room, No. 110, at 11 a.m. on Tuesdays, Thursdays, and Saturdays.

G to N.—All applications by summons or otherwise in actions assigned to Master Kaye under these letters are to be made returnable before him in Chambers A to F Room.

All applications by summons or otherwise in actions assigned to Master Butler are to be made returnable in his own room, No. 112, at 11.30 a.m. on Mondays, Wednesdays, and Fridays.

O to Z.—All applications by summons or otherwise in actions assigned to Master Wilberforce are to be made returnable before him in his own room, No. 179, at 11.30 a.m. on Mondays, Wednesdays, and Fridays.

The parties to meet in the ante-room of masters' chambers, and the summonses will be inserted in the printed list for the day after the summonses to be heard before the master sitting in chambers, and will be called over by the attendant on the respective rooms for a first and second time at 11.30, and will be dealt with by the master in the same manner as if they were returnable at chambers.

By ORDER OF THE MASTERS.

WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 18.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CARDIFF AND COUNTY COACH BUILDING CO, LIMITED.—Creditors are required on or before Oct 25, to send their names and addresses, and the particulars of their debts, claims, or demands to William McDonald, 21, High st, Cardiff Morgan & Scott, Cardiff, solors for liquidator

GREAT NORTHERN ICE CO, LIMITED.—Petn for winding up, presented Aug 2, directed to be heard before Kay, J, on Oct 26 Whitfield & Richardson, Finsbury pavement, solors for petner

KASOONGA (QUEENSLAND) GOLD MINE, LIMITED.—Creditors are required, on or before Dec 2, to send their names and addresses, and the particulars of their debts or claims, to Stretton & Co, 76, Cornhill, solors for liquidator

LEVY'S JUTE SPINNING AND SACK WORKS, LIMITED.—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Anderson Cooper and Edward Alfred Goulding, 21, Mark lane, Linklater & Co, Bond st, Walbrook, solors for liquidators

MAGNETIC IRON MOUNTAINS SMELTING CO, LIMITED.—Dezman, J, has fixed Wednesday, Oct 30, at 12, at his chambers, for appointment of official liquidator

MANCHESTER ELECTRIC SUPPLY CO, LIMITED.—Creditors are required, on or before Nov 27, to send their names and addresses and the particulars of their debts or claims, to John Clough Vaudrey, 1, Crosshall st, Liverpool Vaudrey, Manchester, solor for liquidator

RUSSELL'S DEPOSITORY, LIMITED.—Creditors are required, on or before Nov 27, to send their names and addresses, and particulars of their debts or claims, to Frank Perks, 28, Dover st, Piccadilly. Upton & Britton, Lincoln's inn fields, solors for liquidator

SAVOY BUILDING CO, LIMITED.—Petn for winding up, presented Oct 15, directed to be heard before Kay, J, on Saturday, Oct 26 Hyde & Co, Ely pl, petner's solors

WILTSHIRE BREWERY CO, LIMITED.—The Vacation Judge has, by an order, dated Sept 19, appointed William Henry Pannell, 13, Basinghall st, to be official liquidator

COUNTY PALATINE OF LANCASTER.

LIMITED IN CHANCERY.

VULCAN STEEL AND FORGE CO, LIMITED.—The Vice-Chancellor has, by an order, dated Oct 7, appointed Thomas Dickinson Swift, Wigan, to be official liquidator

FRIENDLY SOCIETIES DISSOLVED.

DEVONSHIRE LODGE FRIENDLY SOCIETY, Crown Inn, Stavely, Chesterfield Oct 12 TRUE UNION OR TRUE BRITONS SOCIETY, Coach and Horses Inn, Robeston-Wathan, Pembroke Oct 10

SUSPENDED FOR THREE MONTHS.

CASTLE ROCK LODGE, 893, NOTTINGHAM ANCIENT IMPERIAL UNITED ORDER OF ODD FELLOWS FRIENDLY SOCIETY, Robin Hood and Little John Inn, Milton st, Nottingham Oct 14

DOVE SICK AND BURIAL SOCIETY, St James Tavern, St James st, Leeds Oct 14 FAULKNER LODGE, NOTTINGHAM ANCIENT IMPERIAL UNITED ORDER OF ODD FELLOWS' FRIENDLY SOCIETY, White Lion Inn, High st, Staines, Middlesex Oct 14

GOOD INTENT LODGE, NOTTINGHAM ANCIENT IMPERIAL UNITED ORDER OF ODD FELLOWS' SOCIETY, Bricklayers' Arms Inn, Raddington, Nottingham Oct 14 STAFFORDSHIRE ROYAL OAK LODGE, NOTTINGHAM ANCIENT IMPERIAL UNITED ORDER OF ODD FELLOWS' FRIENDLY SOCIETY, Red Lion Inn, Aldridge, Stafford Oct 14

London Gazette.—TUESDAY, Oct. 22.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

MORECAMBE PAVILION AND SUMMER GARDENS, LIMITED.—Petn for winding up, presented Oct 19, directed to be heard before Chitty, J., on Nov 2 Williamson & Co, Sherborne lane, agents for England, Halifax, solor for petners
 SWEDISH MATCH CO, LIMITED.—Petn for winding up, presented Oct 19, directed to be heard before North, J., on Saturday, Nov 2 Bloxam & Co, Lincoln's inn fields, solors for petner

COUNTY PALATINE OF LANCASTER.

LIMITED IN CHANCERY.

FOURNESS REGENERATIVE LAMP CO, LIMITED.—Petn for winding up, presented Oct 19, directed to be heard before the Vice-Chancellor at the Courts, Strangeways, Manchester, on Thursday, Oct 31 at 10.30 Cobbett & Co, Manchester, solors for petner

FRIENDLY SOCIETIES DISSOLVED.

YARCOMBE FRIENDLY SOCIETY, Yarcombe Inn, Yarcombe, Devon Oct 5

SUSPENDED FOR THREE MONTHS.

KINGSTON DEVERILL FRIENDLY TEMPERANCE BURIAL SOCIETY, Schoolroom, Kingston Deverill, Wilts Oct 17

LOYAL WELCOME FRIEND LODGE, Odd Fellows Friendly Society, George Inn, Yorkshire st, Oldham, Lancaster Oct 17

CREDITORS' NOTICES.

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct. 18.

BAILEY, SAMUEL, late Earthenware Dealer, Biddulph, Staffs. Nov 30. Reade, Congleton
 BARNETT, RICHARD EVANS, Worcester, Esq. Nov 30. Hughes & Brown, Worcester

BERRY, ANNE, Stanhope terr, Regent's Park. Nov 20. Underwood & Co, 11, Holles st, Cavendish sq

BICKHAM, THOMAS HENRY, Manchester, Calico Printer. Dec 11. Withington & Co, Manchester

BOYDELL, MARIANNE, Rosset, Flint. Feb 1. Boydel & Co, Chester

DAVIES, JOHN CHARLES, Cantref, Abrogavenny, Mon, retired Licensed Victualer. Nov 30. Shepard, Tredegar

DOBE, JAMES, King William st, Tailor. Nov 30. Hurford & Taylor, Furnival's inn

GAZARD, HENRY, North Nibley, Gloucester, Miller. Nov 11. Henly, Wotton-under-edge, Glos

GLAISTER, ELIZABETH, Wigton, Cumberland. Nov 13. Lazonby & Strong, Wigton
 HARTLEY, SAMUEL, Huddersley, Leeds, Nurseryman. Nov 25. Clarke & Son, Leeds
 HOOK, WILLIAM, Ashton under hill, Glos, out of business. Nov 29. New & Co., Evesham
 IRELAND, THOMAS, Watford, Herts. Nov 30. Cann & Son, Gracechurch st
 ISAAC, MOSE, Cannon st, Iron Merchant. Dec 1. Hicks & Arnold, King st, Coventry
 KING, JOHN GODDARD, Beeton, Berks, Farmer Dec 16 Graham & Sons, Abingdon
 LEIGH, PETER, Worsley, Lancs, Farmer. Nov 30. Ogden, Manchester
 MOSLEY, CHARLES, Esq., Manchester, Indiarubber Manufacturer. Dec. 1. Chorlton, Manchester
 NOOMAN, JOHN, Southampton, Roman Catholic Priest. Dec. 2. Lickorish & Belford, Queen Victoria st
 NORMAN, WILLIAM, Over, Cantab, Hay Dealer. Nov. 11. Papworth & French, Cambridge
 OWEN, ROBERT, Caerhun, Carnarvon, Farmer. Dec. 1. Griffith & Allard, Llanrwst
 PARKER, JOHN, Morley, Yorks, Mill Manager. Nov. 1. Wooler, Morley and Leeds
 PICKWELL, MATTHEW, Thorpe on the hill, Lincs, Farmer. Nov. 22. Andrew & Trotter, Lincoln
 PINNOCK, HENRY, Newport, I.W., Esq. Nov. 30. Satchell & Chapple, Queen st, Chapsale
 PITT, JOHN, Hitchin, Herts, Coal Merchant. Nov. 16. Wright, Hitchin
 PORTER, ELIZA, Mildmay rd, Mildmay pk. Dec. 15. Warburton & De Paula, West st, Finsbury circus
 SAMPTON, GEORGE KING, Ninfeld, Sussex, Gent. Dec 14. Blaker & Son, Lewes
 SHARMAN, JOHN, York st, Lambeth, Emory Cloth Manufacturer. Nov 20. Woods, Leadenhall st
 SHEPHERD, JOSEPH, Blackley, Lincs, Innkeeper. Nov 23. Hinde & Co, Manchester
 SIMMONDS, CHARLES, Chorlton upon Medlock, Manchester, Mechanic. Dec 2. Farrar & Hall, Manchester
 SMITH, JOHN PHILIP MICHIELL, Brighton, Surgeon. Nov 30. Upperton & Bacon, Brighton
 STANTON, FREDERICK, Lewisham, Kent, Silk Throwster. Nov 22. Stock & Slater, Walbrook
 STEPHENSON, THOMAS, Heighington, Durham, retired Miller. Dec 12. Clayhills, Darlington
 STILLINGS, ELIZABETH, Southport. Nov 25. Wilson, Mirfield
 STOREY, ISABELLA, Castle Bolton, Yorks. Jan 10. Maughan, Middleham
 TABERKEE, SARAH, Wharnciffe rd, Sheffield. Dec 1. Clegg & Sons, Sheffield
 TEUSCHKE, ANNE, Westbourne, Bournemouth. Nov 30. Rowe & Co, Liverpool
 THOMAS, JOHN, formerly Clerk, Talback, Glam. Nov 18. Malleson, Austinfrans
 THOMPSON, ANN, Howden, Yorks. Nov 30. Nelson & Co, Leeds
 TILL, JOSEPH, Loughborough, Builder. Dec 16. Toome & Bartlett, Loughborough
 TREVELLLEN, JOHN, Gray's inn sq, Solicitor. Nov 15. Shaw & Co, Gray's inn sq
 VERRIT, HENRY, Manchester, Tailor. Dec 11. Withington & Co, Manchester
 WILKINSON, THOMAS CLIFTON, Otley, Yorks, Esq. Nov 30. Wilkinson, Raymond bldgs, Gray's inn
 WREATHER, WILLIAM MCGIVON, Ventnor, I.W., Gent. Dec 2. Hamilton Urry, Ventnor

London Gazette.—TUESDAY, Oct. 22.

ADAMS, GEORGE TYSON, Hawkhurst, Kent, Grocer. Dec 5. Philcox, Burwash, Sussex

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 18.

RECEIVING ORDERS.

ALLNUTT, BENJAMIN, Addison rd North, Notting Hill, Cheesemonger High Court Pet Oct 15 Ord Oct 15
 ARTHORN, HENRY, Atherstone, Warwickshire, Innkeeper Birmingham Pet Oct 14 Ord Oct 14
 BARRINGTON, JOHN THOMAS, and CHRISTOPHER ROBERT CHANDLER, Lambeth rd, Lambeth, Artists in Glass High Court Pet Oct 14 Ord Oct 14
 BASSAM, EDWARD, High st, Camden Town, Oilman High Court Pet Oct 14 Ord Oct 14
 BERTON, JAMES, Sickleholme, Bamford, nr Hathersage, Derbyshire, Farmer Stockport Pet Oct 2 Ord Oct 14
 BIRD, ALFRED GEORGE, Warrford st, Diamond Broker High Court Pet Sept 26 Ord Oct 15
 BRISCOE, WILLIAM HENRY, Addiscombe, Croydon, Surrey, Gent Croydon Pet Sept 24 Ord Oct 14
 BROWN, ISRAEL, Whitstable, Kent, Coal Merchant Canterbury Pet Oct 14 Ord Oct 14
 CARLISH, ABRAHAM, Hatrow alley, Houndsditch, Clothier High Court Pet Oct 16 Ord Oct 16
 CARPENTER, CHARLES, Bury St Edmunds, Innkeeper Bury St Edmunds Pet Oct 14 Ord Oct 15
 COOPER, JAMES, Hanley, Staffs, Journeyman Butcher Hanley Pet Oct 15 Ord Oct 15
 CRAYMER, ELIZABETH RUSSELL, Hove, Sussex, Dressmaker Brighton Pet Oct 15 Ord Oct 15
 CROSSLEY, HENRY, Burnley, Cotton Manufacturer Burnley Pet Sept 28 Ord Oct 14
 DAY, DANIEL, Eye, Suffolk, Builder Ipswich Pet Oct 15 Ord Oct 15
 DOUMAN, EDWARD, Northwich, Cheshire, Grocer Northwich and Crewe Pet Oct 16 Ord Oct 16
 DOWNS, ALFRED THOMPSON, Bradford, Commission Agent Bradford Pet Oct 14 Ord Oct 14
 ELOOD, JOSEPH, Kidderminster, Appraiser Kidderminster Pet Oct 10 Ord Oct 10
 GOLDSTEIN, MICHAEL ELIAZAR, Hatton garden, Diamond Merchant High Court Pet Oct 16 Ord Oct 16
 HALLSWORTH, WILLIAM, Manchester, Cloth Agent Manchester Pet Oct 3 Ord Oct 16
 HITCHEN, THOMAS, Willaston, Cheshire, Publican Nantwich and Crewe Pet Oct 15 Ord Oct 15

JONES, BENJAMIN, North Risco, Mon, Grocer Newport, Mon Pet Oct 16 Ord Oct 16
 JONES, THOMAS, Rhyl, Flintshire, Butcher Bangor Pet Oct 16 Ord Oct 16
 MAY, WILLIAM VALENTINE, Lancaster pl, Strand, Auctioneer High Court Pet Aug 15 Ord Oct 16
 MINEARD, HARRY, Warwick rd, Earl's Court, Builder High Court Pet Oct 15 Ord Oct 15
 MORGAN, WILLIAM, Bodminster, Bristol, Mason and Contractor Bristol Pet Oct 14 Ord Oct 14
 NORRIS, JOHN, Batley Carr, Dewsbury, late Confectioner Dewsbury Pet Oct 12 Ord Oct 12
 OSBORN, EDITH, Worcester, General Shop Keeper Worcester Pet Oct 15 Ord Oct 15
 PRAKE, HENRY BENJAMIN, Strood, Kent, Licensed Victualler Rochester Pet Oct 15 Ord Oct 15
 POWELL, THOMAS, jun, Smethwick, Staffs, Fruiterer West Bromwich Pet Oct 14 Ord Oct 14
 RICHARDSON, WILLIAM, and SIDNEY WALTER RICHARDSON, Whitechapel rd, Toolmakers High Court Pet Oct 15 Ord Oct 15
 ROBERTS, WILLIAM, Llanberis, Carnarvonshire, Hotel Keeper Bangor Pet Oct 15 Ord Oct 15
 SHORTER, JAMES, Ashford, Kent, Carpenter Canterbury Pet Oct 15 Ord Oct 15
 SOUTHERN, WILLIAM GRATCHERS, Plymouth, Saddler East Stonehouse Pet Oct 15 Ord Oct 15
 STONE, EDWIN CHARLES, Snow's fields, Bermondsey, Drysalter High Court Pet Oct 15 Ord Oct 15
 TEDD, GEORGE WILLIAM, Kennington rd, Bootmaker High Court Pet Oct 15 Ord Oct 15
 THOMPSON, FREDERICK HENRY, Mirfield, Yorks, Tailor Dewsbury Pet Oct 15 Ord Oct 15
 WESTON, CHARLES, Southsea, Furniture Dealer Portsmouth Pet Oct 11 Ord Oct 11
 WEST, HARRIET, Leominster, Herefordshire, Printer Leominster Pet Oct 4 Ord Oct 15
 WHITFIELD, HENDERSON, Gateshead, Durham, Cabinet Maker Newcastle on Tyne Pet Oct 15 Ord Oct 15
 WILDERSPIN, THOMAS, South Nutfield, Surrey, Builder Croydon Pet Sept 9 Ord Oct 14
 WILSON, JESSE, Fratton, Hants, Builder Portsmouth Pet Oct 16 Ord Oct 16
 WOODHOUSE, JOHN, Banningham, Norfolk, Butcher Norwich Pet Oct 15 Ord Oct 15
 WOOLTON, ROBERT, late Stourmouth, Kent, Farmer Canterbury Pet Oct 15 Ord Oct 15

BLACK, MARY ANN, Old Shoreham, Sussex. Dec 3. Jane Hack, Farnborough House, Church st, New Shoreham
 BOBTOCK, SARAH, Cheside, Chester. Nov 12. Jepeon & Son, Manchester
 CALLAND, HENRY, Leigh, Lancs, Gent. Nov 7. Holden & Holden, Leigh; and Marsh & Co, Leigh
 CLARK, JOHN, Kidderminster, Farmer. Nov 23. Ward, Dudley
 DAVIES, MORGAN, Ferndale, Glam, Blacksmith. Nov 29. Linton & Kenahole, Aberdare
 FORD, ELIZABETH, Preston. Nov 18. Blackhurst & Clarke, Preston
 FOX, STANLEY TOPPIS, Mincing lane, Chemical Agent. Nov 30. Taylor & Co, 31 James st, Bedford row
 GREGORY, JAMES EDWARD, Liverpool, Merchant. Nov 30. Mather, Liverpool
 GOODMAN, BENJAMIN, Cambridge rd, Mile End, Contractor. Nov 30. Ashbridge, Whitechapel rd
 GREEN, JOHN CLINTON, Junction rd, Upper Holloway, Retired Innkeeper. Nov 25. Hartman, Paternoster row
 HAIGH, SIMON, Croxland Moor, Huddersfield, Woolstapler. Nov 14. Fisher & Huddock, Huddersfield
 HATFIELD, THOMAS JACKSON, Preston, Stockbroker. Nov 18. Clarke, Preston
 HARTMAN, WILLIAM, Clay Cross, Derby, Retired Manufacturer. Dec 21. Bunting, Chesterfield
 HOLDEN, WILLIAM SIMPSON, Lytham, Lancs, Gent. Nov 30. Barker & Betham, Southport
 HOLMES, SAMUEL, Saxmundham, Suffolk, retired Baker. Nov 22. Walton, Woodbridge
 HURLEY, EMILY, Coventry. Nov 18. Minster, Coventry
 JOHNSON, ELIZABETH, Fairfield, Hillingdon. Nov 30. Mercer, Uxbridge
 KNIGHT, EDWARD, Sandon, Staffs. Nov 30. Morgan & Co, Stafford
 MARTIN, FREDERICK JAMES, Southsea, Painter. Nov 30. Edgcombe & Co, Portsmouth, Hants
 REDWAY, THOMAS, Exmouth, Devon, Builder. Nov 19. Vine, Exmouth
 SANDERS, AMY, St Albans. Dec 31. Annesley, St Albans, Herts
 SCHLENNBERGER, CHARLES GOTTLIEB, St Dunstan's hill. Dec 1. Christmas, Bloomsbury sq
 SMITH, ELIZABETH, Scotforth, nr Lancaster. Jan 20. Johnson & Tully, Lancaster
 STEPHENSON, THOMAS, Heighington, Durham, retired Miller. Dec 2. Clayhills, Darlington
 TAYLOR, ROBERT, Saltire, Shipley, Bradford, Woolsorter. Oct 30. Morgan & Morgan, Bradford and Shipley
 WILD, MARY RICE, The Downs, Bowdon, Chester. Dec 9. J.E. & R. Whitworth, Manchester
 WOOD, THOMAS TUNSTALL, Inverness ter, Bayswater. Nov 30. Robinson & Stannard, Eastcheap bldgs, Eastcheap
 WOODWARD, SARAH, Milverton, Warwick. Nov 30. Hirst & Capes, Harrogate
 WYBROW, MARY ANN, Glengall rd, Old Kent rd. Nov 22. Hudson & Co, Queen Victoria st

WARNING TO INTENDING HOUSE PURCHASERS & LESSEES.—Before purchasing or renting a house have the Sanitary arrangements thoroughly examined by an expert from The Sanitary Engineering & Ventilation Co., 66, late 115, Victoria-st., Westminster (Estab. 1875), who also undertake the Ventilation of Offices, &c.—(ADVT.)

The following amended notice is substituted for that published in the London Gazette of Oct. 1.

WATSON, SYDENHAM JOHN CURBY, Poplar Walk rd, Herne Hill, formerly Surveyor High Court Pet Sept 3 Ord Sept 26

The following amended notice is substituted for that published in the London Gazette of Oct. 2.

BISHOP, ALBERT BICKLEY, Atherstone, Warwickshire, Hat Manufacturer Birmingham Pet Oct 4 Ord Oct 4

FIRST MEETINGS.

BAILEY, WILLIAM, Stainburn Bank, nr Otley, Yorks, Farmer Oct 25 at 11 Off Rec, 22, Park row, Leeds
 DAVIES, DAVID, Glydach, nr Swansea, Labourer Oct 25 at 12.30 Off Rec, 97, Oxford st, Swansea
 DOWNS, ALFRED THOMPSON, Bradford, Commission Agent Oct 25 at 12 Off Rec, 31, Manor row, Bradford
 FLINDRELL, EDWIN JOSEPH, Horton rd, Hackney, Publican Oct 29 at 2.30 35, Carey st, Lincoln's inn
 FROGGATT, WILLIAM, Peacock, Sheffield, Licensed Victualler Oct 29 at 12.30 Off Rec, Figtree lane, Sheffield
 LISTER, CYRUS, East India Dock rd, Poplar, Tailor Nov 1 at 11 33, Carey st, Lincoln's inn
 NOBLE, WILLIAM, Swansea, General Dealer Oct 25 at 12 Off Rec, 97, Oxford st, Swansea
 OSBORN, EDITH, Worcester, General Shop keeper Oct 25 at 11.30 Off Rec, Worcester
 PATRICK, STEPHEN MELTON, Scarborough, Gunsmith Oct 25 at 3 Off Rec, 74, Newborough st, Scarborough
 PRAKE, HENRY BENJAMIN, Strood, Kent, Licensed Victualler Oct 30 at 11.00 Off Rec, High st, Rochester
 REID, EDWIN JAMES, Brighton, Civil Engineer's Clerk Oct 25 at 12 Off Rec, 4, Pavilion bldgs, Brighton
 ROSS, WILLIAM GORDON, Worcester, Coal Dealer Oct 25 at 11.15 Off Rec, Worcester
 SALERNO, LUDWIG GREGOR, Leadenhall st, Tobacco Merchant Oct 30 at 12 Bankruptcy bldgs, Lincoln's inn
 SOVER, JAMES WILLIAM, Black Hamilton Farm, nr

CROOK, DARHAM, Farmer Oct 29 at 4.30 Three Tuns Hotel, Durham
 SEDLEY, HENRY JOHN, Sturminster, Newton, Dorset, Corn Merchant Oct 25 at 2 Off Rec, Salisbury
 SEDLEY, JOHN, TOM SEDLEY, and HENRY JOHN SEDLEY, Shillingstone, Dorset, Coal Merchants Oct 25 at 12.45 Off Rec, Salisbury
 SIMPSON, HENRY, Liverpool, Cornbroker Oct 31 at 3 Off Rec, 35, Victoria st, Liverpool
 SMITH, GEORGE ABEL, Manchester, Earthenware Dealer Oct 31 at 11.30 Off Rec, Ogden's chambers, Bridge st, Manchester
 STRAD, WILLIAM, Bradford, Leather Dealer Oct 29 at 10.30 Off Rec, 31, Manor row, Bradford
 THOMSON, JAMES KID, Margaret st, Cavendish sq, Stockbroker Oct 30 at 11 33, Carey st, Lincoln's inn
 WATKINSON, WILLIAM, Barnsley, late Blacksmith Oct 19 at 12 Off Rec, Figtres lane, Sheffield
 WELTON, CHARLES, Southsea, Furniture Dealer Oct 27 at 2.30 166, Queen st, Portsea
 WHITFIELD, HENDERSON, Gateshead, Durham, Cabinet Maker Oct 29 at 3 Off Rec, Pink lane, Newcastle on Tyne
 WILSON, THOMAS WILLIAM, Gt Malvern, Worcester, Lodging house keeper Oct 26 at 11 Off Rec, Worcester
 WOODS, J E THOMSON, Trafalgar bridge, Old Kent rd, Engineer Oct 29 at 12 33, Carey st, Lincoln's inn
 YOUNG, WILLIAM DAVID, Queen Victoria st, Post Office Clerk Oct 29 at 11 Bankruptcy bldgs, Lincoln's inn

The following amended notice is substituted for that published in the London Gazette of Sept 13.
 SAVAGE, ROBERT MATTHEW, Bagshot, Surrey, Grocer Sept 20 at 11 No. 16 Room, 30 & 31, St Swithin's lane

ADJUDICATIONS.

ARTHORN, HENRY, Atherton, Warwickshire, Inn-keeper Birmingham Pet Oct 14 Ord Oct 15
 BARRINGTON, JOHN THOMAS, and CHRISTOPHER ROBERT CHANDLER, Lambeth rd, Lambeth, Artists in Glass High Court Pet Oct 14 Ord Oct 14
 BROWN, ISRAEL, Whitstable, Kent, Coal Merchant Canterbury Pet Oct 14 Ord Oct 14
 BROWNING, WILLIAM, Cheddar, Somerset, Engineer Wells Pet Oct 7 Ord Oct 14
 CARLISH, ABRAHAM, Harrow alley, Houndsditch, Clothier High Court Pet Oct 16 Ord Oct 16
 CHARLTON, JOSHUA CHARLES, Poole, Dorset, late Licensed Victualler Poole Pet Sept 27 Ord Oct 16
 COOPER, JAMES, Hanley, Staffs, Journeyman Butcher Hanley Pet Oct 15 Ord Oct 15
 DOILMAN, EDWARD, Northwich, Cheshire, Grocer Nantwich and Crewe Pet Oct 16 Ord Oct 16
 ELOGOOD, JOSEPH, Kidderminster, Appraiser Kidderminster Pet Oct 10 Ord Oct 10
 GALLAGHER, HUGH, Ouseburn, Newcastle on Tyne, Publican Newcastle on Tyne Pet Oct 13 Ord Oct 16
 GARLICK, EDWARD WILLIAM BENNETT, Ipswich, Surgeon Ipswich Pet Sept 19 Ord Oct 15
 GOODHAND, FREDERICK, Louth, Lincoln, Hosier Great Grimsby Pet Sept 21 Ord Oct 16
 IRWIN, WILHELMINA, Southsea, Widow Portsmouth Pet Aug 8 Ord Oct 16
 JAMIESON, ABRAHAM, Great Portland st, House Agent High Court Pet Sept 11 Ord Oct 15
 JANSON, HARRY, Burton rd, Kilburn, Gent High Court Pet Aug 29 Ord Oct 15
 JONES, BENJAMIN, North Risco, Mon, Grocer Newport, Mon Pet Oct 16 Ord Oct 15
 JONES, THOMAS, Rhyl, Flintshire, Butcher Bangor Pet Oct 16 Ord Oct 15
 KING, GEORGE CHARLES, George st, Battersea pk rd, Corn Merchant Wandsworth Pet Oct 8 Ord Oct 14
 LLOYD, GEORGE, Ferndale, Glam, Farm Labourer Pontypridd Pet Oct 8 Ord Oct 15
 MARSH, PETER, Horwich, Lancs, Builder Bolton Pet Oct 1 Ord Oct 16
 MINARD, HARRY, Watwick rd, Earl's Court, Builder High Court Pet Oct 15 Ord Oct 15
 MORAN, WILLIAM, Westminster, Bristol, Mason Bristol Pet Oct 14 Ord Oct 14
 OSBORN, EDITH, Worcester, General Shop keeper Worcester Pet Oct 15 Ord Oct 15
 PRAKE, HENRY BENJAMIN, Strood, Kent, Licensed Victualler Rochester Pet Oct 16 Ord Oct 16
 POWELL, THOMAS, jun, Smeethwick, Staffs, Fruiterer West Bromwich Pet Oct 14 Ord Oct 15
 ROBERTS, WILLIAM, Llanberis, Carnarvonshire, Hotel Keeper Bangor Pet Oct 15 Ord Oct 15
 SLATER, HENRY, Walworth rd, Furniture Dealer High Court Pet Oct 11 Ord Oct 15
 SMITH, GEORGE FABIAN, Bournemouth, Lodging house keeper Poole Pet Oct 7 Ord Oct 14
 SMITH, JOHN, Manchester, Agent Manchester Pet Sept 24 Ord Oct 16
 SMITH, W, Upton, Essex, Builder High Court Ord Oct 14
 SPENCER, JOHN THOMAS, Ipswich, Bootmaker Ipswich Pet Sept 13 Ord Oct 14
 TEDD, GEORGE WILLIAM, Kennington rd, Bootmaker High Court Pet Oct 15 Ord Oct 15
 THOMPSON, FREDERICK HENRY, Mirfield, Yorks, Tailor Dewsbury Pet Oct 15 Ord Oct 15
 WELTON, CHARLES, Southsea, Furniture Dealer Portsmouth Pet Oct 10 Ord Oct 16
 WHITFIELD, HENDERSON, Gateshead, Durham, Cabinet Maker Newcastle on Tyne Pet Oct 15 Ord Oct 15
 WILSON, JESSE, Fraton, Hants, Builder Portsmouth Pet Oct 16 Ord Oct 16
 WOODHOUSE, JOHN, Banningham, Norfolk, Butcher Norwich Pet Oct 14 Ord Oct 15

WOOTTON, ROBERT, late of Stourmouth, Kent, Farmer Canterbury Pet Oct 15 Ord Oct 15

London Gazette—TUESDAY, Oct. 27.

RECEIVING ORDERS.

BRITTON, WILLIAM, York, Butcher York Pet Oct 17 Ord Oct 17
 DAVIES, THOMAS, Porth, Glam, Grocer Pontypridd Pet Oct 18 Ord Oct 18
 DAVIES, THOMAS, Trebarris, Glam, Collier Merthyr Tydfil Pet Oct 18 Ord Oct 18
 EMPSON, WILLIAM, Birmingham, Linen Button Manufacturer Birmingham Pet Oct 19 Ord Oct 19
 GILMORE, WILLIAM JAMES, Maidstone, Ironworker Guildford and Godalming Pet Oct 18 Ord Oct 18
 GOODWIN, RICHARD, Southborough, Kent, late Grocer Tunbridge Wells Pet Oct 17 Ord Oct 17
 HALE, FRANK, Margate, Steam Launch Owner Canterbury Pet Oct 19 Ord Oct 19
 HALE, SAMUEL, Margate, Walter Canterbury Pet Oct 19 Ord Oct 19
 HALL, WILLIAM, Kingston upon Hull, Paper Merchant Kingston upon Hull Pet Oct 5 Ord Oct 19
 HARVEY, SAMUEL, T., Queen Victoria st, Surveyor High Court Pet Sept 27 Ord Oct 18
 HOGG, JAMES SCOTT, Halifax, Merchant Tailor Halifax Pet Oct 18 Ord Oct 18
 JONES, JOHN, Gt Yarmouth, late Lapidary in Fancy Goods Gt Yarmouth Pet Oct 17 Ord Oct 17
 JONES, WILLIAM, Great Yarmouth, Licensed Victualler Great Yarmouth Pet Oct 19 Ord Oct 19
 JONES, WILLIAM GEORGE, Salisbury, Baker Salisbury Pet Oct 19 Ord Oct 19
 LAKE, JAMES, and RICHARD LAKE, Burnley, Chair Manufacturers Burnley Pet Oct 18 Ord Oct 18
 LEIGHTON, SARAH JANE, Durham, Chemist Durham Pet Oct 19 Ord Oct 19
 LEWIS, CHARLES GEORGE, Solihorse, Herefordshire, Labourer Hereford Pet Oct 17 Ord Oct 17
 LYNDFORD, ALBERT, Bristol, Builder Bristol Pet Oct 19 Ord Oct 19
 MACDERMOT, JOHN CHARLES, Ryde, I.W., Hotel Keeper Ryde Pet Oct 17 Ord Oct 17
 MACKINNON, J. C., Michael's grove, Brompton, Gent High Court Pet Aug 12 Ord Oct 19
 MADDOX, WILLIAM, Rochdale, Licensed Victualler Oldham Pet Oct 17 Ord Oct 17
 MAINWARING, Mrs. M. A., Wolverhampton, Publican Dudley Pet Oct 4 Ord Oct 15
 MARKS, WALTER THEOPHILUS, Winkfield, Berks, Baker Windsor Pet Oct 17 Ord Oct 17
 MITCHELL, JOHN, Ellacombe, Torquay, Gardener Exeter Pet Oct 19 Ord Oct 19
 MOSS, BENJAMIN, and JOHN MOSS, South Shields, Painters Newcastle on Tyne Pet Oct 18 Ord Oct 18
 NEEVES, BENJAMIN GEORGE, Tunbridge Wells, Commission Agent Tunbridge Wells Pet Oct 18 Ord Oct 18
 PUGH, HUGH, Dolgellay, Merioneth, Carriage Maker Aberystwith Pet Oct 4 Ord Oct 17
 REID, JAMES BENITO, Finsbury pavement, Tobacco-nist High Court Pet Oct 18 Ord Oct 18
 RICHIE, ERNEST GEORGE, Phoenix rd, Regent's park Cab Master High Court Pet Sept 28 Ord Oct 19
 ROWLANDS, WILLIAM, Brithdir, Gellygaer, Glam, Collier Merthyr Tydfil Pet Oct 18 Ord Oct 18
 SAUGSTER, JAMES, Gothic villas, West Green rd, Builder Edmonton Pet Oct 18 Ord Oct 18
 STRIDE, EDWIN HARVEY, Testwood, nr Southampton, Journeyman Miller Southampton Pet Oct 18 Ord Oct 18
 SUTCLIFFE, WILLIAM ALFRED, Bradford, Butcher Bradford Pet Oct 17 Ord Oct 17
 THORNTON, EDWIN, Shipley, Yorks, Slater Bradford Pet Oct 18 Ord Oct 18
 TOMLINS, PERCY WILLIAM, Cardiff, Picture Dealer Cardiff Pet Oct 17 Ord Oct 17
 TYLER, OLIVER, Hereford, Boot Dealer Hereford Pet Oct 17 Ord Oct 17
 UWINS, GEORGE, Pathfield rd, Streatham, Builder Wandsworth Pet June 4 Ord Oct 17
 VERNON, CHARLES, Bexley Heath, Kent, Tailor Rochester Pet Oct 19 Ord Oct 19
 WAGHORN, HENRY RICHARD, Halifax, Bookkeeper Halifax Pet Oct 17 Ord Oct 17
 WARRINGTON, ELLEN ISABEL, Edgbaston, Birmingham, Court Dressmaker Birmingham Pet Oct 17 Ord Oct 17
 WHALLEY, WILLIAM, Nelson, Lancs, Plumber Burnley Pet Oct 3 Ord Oct 17
 WILLIAMS, THOMAS, Palace Gates rd, Wood Green, Tottenham, formerly Bank Clerk Edmonton Pet Oct 19 Ord Oct 19
 WOOLLS, WILLIAM JOSEPH, Gt Dover st, Card Box Manufacturer High Court Pet Oct 18 Ord Oct 18
 WRIGHT, F S, St Mary's, Bedford, Draper Bedford Pet Sept 11 Ord Oct 17
 YOUNG, CHARLES JOHN, Parson st, Hendon, Clerk in Holy Orders Barnet Pet Oct 18 Ord Oct 18

FIRST MEETINGS.

ARNOLD, J. H., Cockett Farm, nr Swansea, Farmer Oct 29 at 12 Off Rec, 97, Oxford st, Swansea
 BADCOCK, RICHARD, Bideford, Devon, late Farmer Oct 31 at 10.30 Sanders & Son, High st, Barnstaple
 BECK, JAMES, jun, Maxilla Gardens, North Kensington, Builder Nov 1 at 12 33, Carey st, Lincoln's inn
 BENTON, JAMES, Sickleholme, Bamford, nr Hathersage, Derbyshire, Farmer Oct 31 at 11.30 Off Rec, County chambers, Market pl, Stockport

BRITTON, WILLIAM, 138, Walmgate, York, Butcher Oct 31 at 11.30 28, Stonegate, York
 BROWN, ISRAEL, Whitstable, Kent, Coal Merchant Oct 31 at 12.30 Off Rec, 5, Castle st, Canterbury
 CARNALL, JOSEPH, Sheffield, Journeyman Saw Maker Oct 30 at 10.30 Off Rec, Figtres lane, Sheffield
 CARPENTER, CHARLES, Bury St Edmunds, Innkeeper Oct 29 at 11.30 Off Rec, Ipswich
 COOPER, JAMES, Hanley, Staffs, Journeyman Butcher Oct 31 at 10.15 Off Rec, Newcastle under Lyme
 CROSSLEY, HENRY, Whitefield, Burnley, Cotton Manufacturer Oct 29 at 3.30 Off Rec, Ogden's chambers, Bridge st, Manchester
 DAVIES, HENRY, Denbigh, Bookseller Nov 1 at 2.30 Bankruptcy office, Crypt chambers, Chester
 DAVIS, ARTHUR, Birmingham, Tobacco-nist Oct 31 at 11.30 Off Rec, 5, Castle st, Canterbury
 DAY, DANIEL, Eye, Suffolk, Builder Oct 29 at 12.30 Off Rec, Ipswich
 DEBBIE, WILLIAM AUGUSTUS, Devon rd, Tottenham, Engineer Oct 31 at 11 16 Room, 30 & 31, St Swithin's lane
 EVERETT, WILLIAM, Caistor, Lincs, Grocer Oct 30 at 11 Off Rec, 3, Haven st, Gt Grimsby
 FOAD, CEPHAS, Whitstable, Kent, Builder Oct 31 at 11.30 Off Rec, 5, Castle st, Canterbury
 GRIFFIN, CHARLES JAMES, Southampton st, Camberwell, Grocer Nov 5 at 12 33, Carey st, Lincoln's inn
 JONES, BENJAMIN, North Risco, Mon, Grocer Oct 30 at 12 Off Rec, 12, Tredegar pl, Newport, Mon
 JONES, JOHN, Gt Yarmouth, late Lapidary in Fancy Goods Nov 2 at 11.30 Off Rec, 8, King st, Norwich
 KING, GEORGE CHARLES, George st, Battersea pk rd, Corn Merchant Oct 29 at 3 119, Victoria st, Westminster
 MADDOX, WILLIAM, Rochdale, Licensed Victualler Oct 31 at 2.45 Townhall, Rochdale
 MCCORMACK, JOHN ALFRED, Birmingham, Inspector of Police Oct 30 at 11 25, Colmore row, Birmingham
 MITCHELL, JOHN, Ellacombe, Torquay, Gardener Oct 31 at 10 Off Rec, 13, Bedford circus, Exeter
 MOSS, BENJAMIN, and JOHN MOSS, South Shields, Painters Nov 1 at 11 Off Rec, Pink lane, Newcastle on Tyne
 NEWELL, FREDERICK, St John st rd, Clerkenwell, late Boot Dealer Nov 5 at 11 Bankruptcy bldgs, Lincoln's inn
 NOBLE, JOHN, Batley Carr, Dewsbury, late Confectioner Oct 30 at 3 Off Rec, Bank chambers, Batley
 OXBOROUGH, ARTHUR WILLIAM, Woodbridge, Suffolk, Chimney Sweep Oct 29 at 11 Off Rec, Ipswich
 RADFORD, JOHN HIBBERD, Trent Bridge, Nottingham, Boatbuilder Oct 29 at 12 Off Rec, 1, High pavement, Nottingham
 RICHARDS, JOHN HANCOCKS, Marwood, Devon, Master Oct 31 at 11.30 Sanders & Son, High st, Barnstaple
 SHOOTER, JAMES, Ashford, Kent, Carpenter Oct 29 at 3 Mowll & Mowll, 14, Bank st, Ashford
 SMITH, NATHAN, Amersham, Bucks, Chemist Nov 2 at 11.30 1, St Aldates, Oxford
 STRIDE, EDWIN HARVEY, Testwood, nr Southampton, Journeyman Miller Nov 1 at 11 Off Rec, 4, East st, Southampton
 SUTCLIFFE, WILLIAM ALFRED, Bradford, Butcher Oct 31 at 11 Off Rec, 31, Manor row, Bradford
 THOMPSON, FREDERICK HENRY, Mirfield, Yorks, Tailor Oct 30 at 4 Off Rec, Bank chambers, Batley
 THORNTON, EDWIN, Shipley, Yorks, Slater Nov 1 at 3 Off Rec, 31, Manor row, Bradford
 VERNON, CHARLES, Bexley Heath, Kent, Tailor Nov 1 at 11.30 Off Rec, High st, Rochester
 WAGHORN, HENRY RICHARD, Halifax, Bookkeeper Oct 31 at 11 Off Rec, Halifax
 WARD, JAMES THOMAS, Irthlingborough, Northamptonshire, Builder Oct 30 at 2 County Court bldgs, Northampton
 WILSON, JESSE, Fraton, Hants, Butcher Nov 1 at 3.30 166, Queen st, Portsea
 WOODHOUSE, JOHN, Banningham, Norfolk, Butcher Nov 2 at 11 Off Rec, 8, King st, Norwich
 WOOTTON, ROBERT, late of Stourmouth, Kent, Farmer Oct 31 at 1 Off Rec, 5, Castle st, Canterbury

ADJUDICATIONS.

ALLENUTT, BENJAMIN, Addison rd North, Notting Hill, Cheesemonger High Court Pet Oct 15 Ord Oct 17
 BASSAM, EDWARD, High st, Camden Town, Olmss High Court Pet Oct 14 Ord Oct 18
 BRITTON, WILLIAM, York, Butcher York Pet Oct 17 Ord Oct 17
 BROOKS, WILLIAM, North Allington, Bridport, Dorset, Carpenter Dorchester Pet Oct 8 Ord Oct 17
 CARPENTER, CHARLES, Bury St Edmunds, Innkeeper Bury St Edmunds Pet Oct 14 Ord Oct 19
 DAVIES, THOMAS, Porth, Glam, Grocer Pontypridd Pet Oct 18 Ord Oct 18
 DAVIES, THOMAS, Trebarris, Glam, Collier Merthyr Tydfil Pet Oct 18 Ord Oct 18
 DAY, DANIEL, Eye, Suffolk, Builder Ipswich Pet Oct 15 Ord Oct 18
 DOWNES, ALFRED THOMPSON, Bradford, Commission Agent Bradford Pet Oct 14 Ord Oct 17
 GOODWIN, RICHARD, Southborough, Kent, late Grocer Tunbridge Wells Pet Oct 17 Ord Oct 17
 HALE, FRANK, Margate, Steam Launch Owner Canterbury Pet Oct 18 Ord Oct 19
 HALE, SAMUEL, Margate, Walter Canterbury Pet Oct 18 Ord Oct 19
 HALKSORTH, WILLIAM, Manchester, Cloth Agent Manchester Pet Oct 3 Ord Oct 17

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CITY

HOGG, JAMES SCOTT, Halifax, Merchant Tailor
Halifax Pet Oct 18 Ord Oct 19
JONES, JOHN, Gt Yarmouth, late Lapidary in Fancy
Goods Gt Yarmouth Pet Oct 17 Ord Oct 17
JONES, WILLIAM, Gt Yarmouth, Licensed Victualler
Gt Yarmouth Pet Oct 19 Ord Oct 19
LAKE, JAMES, and RICHARD LAKE, Burnley, Chair
Manufacturers Burnley Pet Oct 18 Ord Oct 18
LEIGHTON, SARAH JANE, Durham, Chemist Durham
Pet Oct 19 Ord Oct 19
LEWIS, CHARLES GEORGE, Sollarshope, Hereford-
shire, Labourer Hereford Pet Oct 17 Ord
Oct 17
MADDOX, WILLIAM, Rochdale, Licensed Victualler
Oldham Pet Oct 16 Ord Oct 17
MARKS, WALTER THEOPHILUS, Winkfield, Berks,
Baker Windsor Pet Oct 17 Ord Oct 17
MITCHELL, JOHN, Ellacombe, Torquay, Gardener
Exeter Pet Oct 19 Ord Oct 19
NEEVES, BENJAMIN GEORGE, Tunbridge Wells, Com-
mission Agent Tunbridge Wells Pet Oct 15
Ord Oct 18
REID, JAMES BENITO, Finsbury pvtmt, Tobaccoist
High Court Pet Oct 18 Ord Oct 18
ROWLANDS, WILLIAM, Brithdir, Gallygaer, Glam,
Collier Merthyr Tydfil Pet Oct 18 Ord Oct 18
SHORTER, JAMES, Ashford, Kent, Carpenter Can-
terbury Pet Oct 15 Ord Oct 19
SOWTER, MARY, Derby, Mourning Draper Derby
Pet Oct 3 Ord Oct 18
STRIDE, EDWIN HARVEY, Testwood, nr Southampton,
Journeyman Miller Southampton Pet Oct 15
Ord Oct 18
SUTCLIFFE, WILLIAM ALFRED, Bradford, Butcher
Bradford Pet Oct 17 Ord Oct 17
THORNTON, EDWIN, Shipley, Yorks, Slater Bradford
Pet Oct 18 Ord Oct 18
TOMLINS, PERRY WILLIAM, Cardiff, Picture Dealer
Cardiff Pet Oct 18 Ord Oct 17
TYLER, OLIVER, Hereford, Boot Dealer Hereford
Pet Oct 17 Ord Oct 17
VERNON, CHARLES, Bexley Heath, Kent, Tailor
Rochester Pet Oct 19 Ord Oct 19
WAGHOER, HENRY RICHARD, Halifax, Bookkeeper
Halifax Pet Oct 17 Ord Oct 18
WALLACE, EDWIN FRANCIS, Stockton on Tees, Com-
mission Agent Stockton on Tees Pet Oct 3 Ord
Oct 14
WARRINGTON, ELLEN ISABEL, Edgbaston, Birming-
ham, Court Dressmaker Birmingham Pet Oct
17 Ord Oct 18
WHALLEY, ROBERT, Colne, Lancs, Watchmaker
Burnley Pet Oct 2 Ord Oct 19
WILDERSPIN, THOMAS, South Nutfield, Surrey,
Builder Croydon Pet Sept 9 Ord Oct 16
WILLIAMS, THOMAS, Palace Gates rd, Wood Green,
Tottenham, formerly Bank Clerk Edmonton
Pet Oct 19 Ord Oct 19
WOOLLS, WILLIAM JOSEPH, Gt Dover st, Card Box
Manufacturer High Court Pet Oct 15 Ord
Oct 18

ADJUDICATIONS ANNULLED.

PAYNTER, WILLIAM, Wadebridge, Cornwall, Saddler
Turo Adjud Mar 6 Annul Oct 17
SMITH, WILLIAM ARBROSE BOWEN, Worcester, Baker
Worcester Adjud Aug 10 Annul Oct 15

SALES OF ENSUING WEEK.

Oct. 29.—Mr. J. M. GRAHAM, at the Mart, E.C., at 2
o'clock, Investment (see advertisement, this week,
p. 806).
Oct. 31.—Messrs. C. D. FIELD & SONS, at the Mart,
E.C., at 2 o'clock, Freehold Properties (see adver-
tisement, this week, p. 806).

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

CRUSEMANN.—Oct. 16, at 135, Trinity-road, Upper

Tooting, S.W., the wife of Eduard Crusemann,
Doc. Jur., solicitor, of a son.

HIGGINS.—Oct. 22, at Langdale, Beckenham, the wife
of Thomas Lea Higgins, barrister-at-law, of a son.

MARRIAGES.

BRIDGES—ROSKELL.—Oct. 15, at Preston, James
Emile Bridges, of the Bengal Civil Service, barris-
ter-at-law, to Marianne Roskell, of Stokyn, Holp-
well, daughter of the late John Roskell, and grand-
daughter of the late George Roskell, of Flint, J.P.
LANGTON—THIERRY.—Oct. 19, at Old-street, Robert
Langton, of Southend, solicitor, to Rosa Victoria,
youngest daughter of Augustin M. Thierry, of
Finsbury-square.

MATTHEWS—BRIDGER.—Oct. 16, at Stoke Newington,
Peter Barton Matthews, solicitor, of 50, Lincoln's-
inn-fields, to Mary, younger daughter of Mrs.
Bridger, of 16, Eastbank, Stamford-hill.
RENTON—JACKSON.—Oct. 19, at Crouch-hill, Alexan-
der Wood Renton, LL.B., barrister-at-law, of
Gray's-inn, to Eliza, third daughter of John Jack-
son, Esq., C.E., of Lombard-street.

DEATHS.

MAULE.—Oct. 20, at his residence, 47, Ennismore-
gardens, S.W., Sir John Blosset Maule, Q.C.
MILNE.—Oct. 19, at The Glen, Tunbridge, Charles
Milne, formerly of the Inner Temple, aged 74.
WARNER.—Oct. 18, at 10, Brechin-place, South
Kensington, Frederick Warner, C.M.G., barrister,
of Woodford House, Trinidad, W.I., aged 74.

All letters intended for publication in the
"Solicitors' Journal" must be authenticated
by the name of the writer.

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to the Publisher.

LAW.—Clement's-son and Daniel Beardon
Prizeman Requires Engagement as Managing
Clerk in London; 8 years' general London experi-
ence.—Address, LAW, care of Adams & Francis,
Advertising Agents, 59, Fleet-street, E.C.

LAW.—Wanted, by the Advertiser (aged
34, total abstainer, and who has had over
nineteen years' experience), a Situation as Copying,
Engrossing, and General Clerk; can abstract deeds,
trace plans, and is fully acquainted with the work of
a Solicitor's Office in all its details; has been with
his present employers for upwards of nine years —
Address, W. G. POWELL, 10, Constance-street,
Plymouth.

MANAGING CLERK WANTED for
well-known Financial Company in Brighton;
must be good correspondent, expert shorthand
writer, thoroughly capable and trustworthy; perma-
nent appointment; Solicitor's Managing Clerk pre-
ferred.—Address, MANAGER, Messrs. Prince & Ayres,
Solicitors, Brighton.

A SOLICITOR of ability and long experi-
ence as a Law Coach Reads with Candidates
for Examination; Postal Preparation is carried on
by corrigenda papers dictated to a Shorthand
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BERMONDSEY.

By order of the Trustees of the Will of John Oastler Esq., deceased.

MESSRS. C. D. FIELD & SONS are instructed to **SELL BY AUCTION**, at the **MART**, on **THURSDAY, OCT. 31**, at **TWO**, in Lots, valuable **FREEHOLD PROPERTIES**, comprising six most substantially-built modern warehouses and factories, occupying the whole of the east side of White's-grounds, facing the brewery of Messrs. Day, Nokes, & Co., and abutting upon the London, Brighton, and South Coast Railway, and producing from high-class farms a rental of £295 per annum, and offering investments of a most secure character; also a dwelling-house being No. 81, Grange-road, let at the rent of £46 per annum.

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MR. J. M. GRAHAM will **SELL BY AUCTION**, at the **MART**, Tokenhouse-yard, E.C., on **TUESDAY, 20th OCTOBER, 1889**, at **TWO O'CLOCK** precisely, the well-secured **IMPROVED RENTAL** of £93 per annum, for 45 years (together with the valuable reversion), arising from the Apple Tree and two messuages, with stabling adjoining, situate at Summer-road, Peckham. Term, 74 years, at a ground rental of £10 per annum.

Particulars of Messrs. Clapham & Fitch, Solicitors, 161, Bishopsgate Without, E.C.; and J. M. Graham, Auctioneer, Kennington-green, S.E.; and 51, Burton-crescent, W.C. Telephone, 4,699 and 7,546.

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W. FISHER TASKER, Registrar.
 Borough Accountants' Office, Bridge-street, Sheffield, 16th August, 1889.

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The Public General Statutes

FOR THE SESSIONS

52 VICTORIA, 1888

(AUTUMN SESSION),

AND

52 & 53 VICTORIA, 1889.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY ARE
SET OUT AT LENGTH.]

SOLICITORS' JOURNAL OFFICE, 27, CHANCERY LANE, LONDON.

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STATUTES.

[AUTUMN SESSION.]

CHAPTER 44.

[*Local Bankruptcy (Ireland) Act, 1888.*]

An Act to provide for the establishment of Local Courts of Bankruptcy in Ireland.

[24th December 1888.]

CHAPTER 45.

[*Victoria University Act, 1888.*]

An Act to extend the privileges of the Graduates of the Victoria University.

[24th December 1888.]

Be it enacted, &c.

1. *Extension of privileges of graduates of Victoria University.* Wherever any office is or shall be open to graduates of the Universities of Oxford, Cambridge, and London, or wherever any privilege or exemption has been or shall be given by any Act of Parliament or regulation of any public authority to graduates of the Universities of Oxford, Cambridge, and London, graduates of the Victoria University having the degree which would be a qualification if it had been granted by the University of Oxford, Cambridge, or London, may become candidates for and may hold any such office and shall be entitled to all such privileges as

fully as graduates of any of the last-mentioned Universities.

2. *Short title.* This Act may be cited as the Victoria University Act, 1888.

CHAPTER 46.

[*Oaths Act, 1888.*]

An Act to amend the law as to Oaths.

[24th December 1888.]

Be it enacted, &c.

1. *When affirmation may be made instead of oath.* Every person upon objecting to being sworn, and stating, as the ground of such objection, either that he has no religious belief, or that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath in all places and for all purposes where an oath is or shall be required by law, which affirmation shall be of the same force and effect as if he had taken the oath; and if any person making such affirmation shall wilfully, falsely, and corruptly affirm any matter or thing which, if deposed on oath, would have amounted to wilful and corrupt perjury, he shall be liable to prosecution, indictment, sentence, and punishment in all respects as if he had committed wilful and corrupt perjury.

2. *Form of affirmation.* Every such affirmation shall be as follows:

"I, A.B., do solemnly, sincerely, and truly declare and affirm," and then proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness.

3. *Validity of oath not affected by absence of religious belief.* Where an oath has been duly administered and taken, the fact that the person to whom the same was administered had, at the time of taking such oath, no religious belief, shall not for any purpose affect the validity of such oath.

4. *Form of affirmation in writing.* Every affirmation in writing shall commence, "I, , do solemnly and sincerely affirm," and the form in lieu of jurat shall be "Affirmed at this day of , 18 . Before me."

5. *Swearing with uplifted hand.* If any person to whom an oath is administered desires to swear with uplifted hand, in the form and manner in which an oath is usually administered in Scotland, he shall be permitted so to do, and the oath shall be administered to him in such form and manner without further question.

6. *Repeal.* The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of the schedule mentioned.

7. *Short title.* This Act may be cited as the Oaths Act, 1888.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 125	The Common Law Procedure Act, 1854	Section twenty.
19 & 20 Vict. c. 102	The Common Law Procedure Amendment Act (Ireland), 1857	Sections twenty-three and twenty-four.
24 & 25 Vict. c. 66	An Act to give relief to persons who may refuse or be unwilling, from alleged conscientious motives, to be sworn in criminal proceedings.	The entire Act.
28 & 29 Vict. c. 9	The Affirmation (Scotland) Act, 1865	The entire Act.
30 & 31 Vict. c. 35	An Act to remove some defects in the administration of the Criminal Law	Section eight.
31 & 32 Vict. c. 39	The Jurors Affirmation (Scotland) Act, 1868	The entire Act.
31 & 32 Vict. c. 75	The Juries Act (Ireland), 1868	Section three.
32 & 33 Vict. c. 68	The Evidence Further Amendment Act, 1869	Section four.
33 & 34 Vict. c. 49	The Evidence Amendment Act, 1870	The entire Act.

CHAPTER 47.

[*Law of Distress and Small Debts (Ireland) Act, 1888.*]

An Act to amend the Law relating to execution for Small Debts and the levying of Distress for rent in Ireland, with special provisions for the City of Dublin. [24th December 1888.]

CHAPTER 48.

[*Companies Clauses Consolidation Act, 1888.*]

An Act to amend the Companies Clauses Consolidation Act, 1845, in respect of voting by proxy. [24th December 1888.]
[This Act was not issued up to the time of our going to press, and will be printed subsequently.]

CHAPTER 49.

[*Purchase of Land (Ireland) Amendment Act, 1888.*]

An Act further to facilitate the Purchase of Land in Ireland by increasing the amount applicable for that purpose by the Land Commission. [24th December 1888.]

CHAPTER 50.

[*Patents, Designs, and Trade Marks Act, 1888.*]

An Act to amend the Patents, Designs, and Trade Marks Act, 1883. [24th December 1888.]
Whereas it is expedient to amend the Patents,

Designs, and Trade Marks Act, 1883 [46 & 47 Vict. c. 57] herein-after referred to as the principal Act; Be it therefore enacted, &c.:

1. *Register of patent agents.* (1.) After the first day of July one thousand eight hundred and eighty-nine a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act.

(2.) The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time, make such general rules as are in the opinion of the Board required for giving effect to this section, and the provisions of section one hundred and one of the principal Act shall apply to all rules so

made as if they were made in pursuance of that section.

(3.) Provided that every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had been bona fide practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act.

(4.) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(5.) In this section "patent agent" means exclusively an agent for obtaining patents in the United Kingdom.

2. Amendments of 46 & 47 Vict. c. 57—S. 7, as to applications.] For section seven of the principal Act the following section shall be substituted, namely:—

"7. (1.) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings has not, or have not, been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject matter of the invention, the comptroller may refuse to accept the application, or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the comptroller so directs, bear date as from the time when the requirement is complied with.

"(2.) Where the comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the law officer.

"(3.) The law officer shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions (if any), the application shall be accepted.

"(4.) The comptroller shall, when an application has been accepted, give notice thereof to the applicant.

"(5.) If, after an application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made, accompanied by a specification bearing the same or a similar title, the comptroller, if he thinks fit, on the request of the second applicant, or of his legal representative, may, within two months of the grant of a patent on the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon."

3. S. 9, as to disclosure of reports of examiners.] In sub-section five of section nine of the principal Act the words "other than an appeal to the law officer under this Act" shall be omitted.

4. S. 11, as to opposition to grant of patent.] In sub-section one of section eleven of the principal Act the words from "or on the ground of an examiner" to "a previous application," both inclusive, shall be omitted, and there shall be added in lieu thereof the following words, namely, "or on the ground that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification."

5. S. 18, as to amended specifications.] For sub-section ten of section eighteen of the principal Act the following sub-section shall be substituted, namely:—

"(10.) The foregoing provisions of this section do not apply when, and so long as any action for infringement or proceeding for revocation of a patent is pending."

6. S. 53, as to inspection of designs.] After sub-section one of section fifty-two of the principal Act the following words shall be added; namely,

"Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration

shall be entitled to inspect the design so registered."

7. S. 58, as to piracy of registered designs.] (1.) In section fifty-eight of the principal Act the words "or cause to be applied" shall be added after the word "apply."

(2.) To the same section the following words shall be added: "Provided that the total sum forfeited in respect of any one design shall not exceed one hundred pounds."

8. S. 62, as to application for registration.] (1.) In sub-section two of section sixty-two of the principal Act for the words "the patent office in the prescribed manner" shall be substituted the words "such place and in such manner as may be prescribed."

(2.) To the same section of the principal Act the following sub-section shall be added:—

"(6.) Where an applicant for the registration of a trade mark otherwise than under an international convention is out of the United Kingdom at the time of making the application he shall give the comptroller an address for service in the United Kingdom, and if he fails to do so the application shall not be proceeded with until the address has been given.

9. S. 63, as to limit of time for proceeding with application.] In section sixty-three of the principal Act for the words "the application shall be deemed to be abandoned" shall be substituted the words "the comptroller shall give notice of the non-completion to the agent employed on behalf of the applicant, and, if at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant, and if at the expiration of the latter fourteen days, or such further time as the comptroller may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned."

10. S. 64, as to fancy words.] (1.) For section sixty-four of the principal Act the following section shall be substituted, namely:—

"64.—(1.) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:

"(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

"(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or

"(c.) A distinctive device, mark, brand, heading, label, or ticket; or

"(d.) An invented word or invented words; or

"(e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

"(2.) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

"(3.) Provided as follows:

"(i.) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof:

"(ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a trade mark before the thirtieth day of August one thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act."

11. S. 67, as to colours of trade marks.] In sec-

tion sixty-seven of the principal Act the words "or colours" shall be added after the word "colour" in each place where that word occurs.

12. S. 68, as to advertisement of applications.] In section sixty-eight of the principal Act after the word comptroller shall be added the words "unless the comptroller refuse to entertain the application."

13. S. 69, as to opposition to registration.] (1.) In sub-section one of section sixty-nine of the principal Act for the words "two months" shall be substituted the words "one month or such further time, not exceeding three months, as the comptroller may allow."

(2.) In the same sub-section the word "first" shall be omitted.

(3.) In sub-section two of the same section for the words "two months" shall be substituted the words "one month."

(4.) For sub-sections three and four of the same section the following sub-sections shall be substituted; namely,

"(3.) If the applicant sends such counter-statement the comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall after hearing the applicant and the opponent, if so required, decide whether the trade mark is to be registered, but his decision shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the opponent and the comptroller, and may make an order determining whether, and subject to what conditions (if any), registration is to be permitted.

"(4.) The Board of Trade may, however, if it appears expedient, refer the appeal to the court, and in that event the court shall have jurisdiction to hear and determine the appeal, and may make such order as aforesaid.

"(5.) If the applicant abandons his application after notice of opposition in pursuance of this section he shall be liable to pay to the opponent such costs in respect of the opposition as the comptroller may determine to be reasonable.

"(6.) Where the opponent is out of the United Kingdom he shall give the comptroller an address for service in the United Kingdom."

14. S. 72, as to restrictions on registration.] In sub-section two of section seventy-two of the principal Act, the following words shall be added at the beginning of the sub-section, namely, "except as aforesaid," and for the words "so nearly resembling" shall be substituted the words "having such resemblance to."

15. S. 73, as to restriction on registration.] In section seventy-three of the principal Act the word "exclusive" shall be omitted.

16. S. 74, as to additions to trade marks.] For sub-section two of section seventy-four of the principal Act the following sub-section shall be substituted; namely,

"(2.) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

"Provided that a person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof."

17. S. 75, as to effect of registration.] For section seventy-five of the principal Act the following section shall be substituted; namely,

"Application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark, and the date of the application shall for the purposes of this Act be deemed to be, and as from the first day of January one thousand eight hundred and seventy-six to have been, the date of the registration."

18. Certificate as to exclusive use and costs thereon.] After section seventy-seven of the principal Act, the following section shall be added and numbered 77A; namely,

"In an action for infringement of a registered trade mark the court or a judge may certify that the right to the exclusive use of the trade mark came in question, and if the court or a judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the court or judge trying the subsequent action certifies that he ought not to have the same."

19. Amendments of 46 & 47 Vict. c. 57—S. 79, as to removal of trade mark from the register.] (1.) In sub-section five of section seventy-nine of the principal Act, for the words "the five years" shall be substituted the words "one year."

(2.) To the same sub-section the following words shall be added; namely, "unless it is shewn to the satisfaction of the comptroller that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark."

20. S. 81, as to Sheffield marks.] (1.) For sub-section two of section eighty-one of the principal Act the following sub-section shall be substituted:

"(2.) The Cutlers' Company shall enter in the Sheffield register, in respect of metal goods as defined in this section, all the trade marks entered before the first day of January one thousand eight hundred and eighty-nine in respect of metal goods either in the register established under the Trade Marks Registration Act, 1875 [38 & 39 Vict. c. 91], or in the register of trade marks under this Act, belonging to persons carrying on business in Hallamshire or within six miles thereof. The Cutlers' Company shall also, on request made in the prescribed manner, enter in the Sheffield register, in respect of metal goods, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in either of the said other registers."

(2.) In sub-sections three and eight of the same section, for the words "on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge," shall be substituted the words "on metal goods."

(3.) For sub-section seven of the same section the following sub-section shall be substituted:

"(7.) The provisions of this Act and of any general rules made under this Act with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this section, apply to the registration of trade-marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such general rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield Register, for the Comptroller, the Patent Office, and the Register of Trade Marks, respectively; and notice of every entry, cancellation, or correction made in the Sheffield Register shall be given to the Comptroller by the Cutlers' Company: Provided that this section shall not affect any life estate and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield Register."

(4.) To the same section the following sub-sections shall be added; namely,—

"(14.) For the purposes of this section the expression 'metal goods' means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal."

"(15.) For the purpose of legal proceedings in

relation to trade marks entered in the Sheffield register a certificate under the hand of the master of the Cutlers' Company shall have the same effect as the certificate of the comptroller."

21. S. 87, as to entry of assignments, &c.] In section eighty-seven of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to."

22. S. 88, as to inspection.] In section eighty-eight of the principal Act, after the words "subject to," shall be added the words "the provisions of this Act and to."

23. S. 90, as to rectification of register.] In section ninety of the principal Act, after the words "of the name of any person," shall be added the words "or of any other particulars."

24. S. 91, as to correction of errors.] To section ninety-one of the principal Act the following sub-section shall be added; namely,

"(d.) Permit an applicant for registration of a design or trade mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design or trade mark to be registered."

25. Proceedings of Board of Trade.] After section one hundred and two of the principal Act the following section shall be added and numbered 102A; namely,

"(1.) All things required or authorized under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

(2.) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by the secretary or assistant secretary of the Board, or by any person authorized in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shewn.

"(3.) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified."

26. Jurisdiction of Lancashire Palatine Court.] After section one hundred and twelve of the principal Act the following section shall be added and numbered 112A; namely,

"The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks the registration whereof is applied for in the Manchester Office, have the like jurisdiction under this Act as Her Majesty's High Court of Justice in England, and the expression 'the court' in this Act shall be construed and have effect accordingly.

"Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases."

27. Construction of principal Act.] The principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and substitutions required by this Act, but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

28. Commencement of Act.] This Act shall, except so far as is by this Act otherwise specially provided, commence and come into operation on the first day of January one thousand eight hundred and eighty-nine.

29. Short title.] This Act may be cited as the Patents, Designs, and Trade Marks Act, 1888, and this Act and the Patents, Designs, and Trade Marks Acts, 1883 to 1880, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

CHAPTER 51.

(Land Charges Registration and Searches Act, 1888.)

An Act for registering certain Charges on Land, and for facilitating Searches for them.
[24th December 1888.]

Be it enacted, &c.

PART I.—INTRODUCTORY.

1. Short title.] This Act may be cited as the Land Charges Registration and Searches Act, 1888.

2. Commencement.] This Act shall come into operation on the first day of January one thousand eight hundred and eighty-nine, which day is in this Act referred to as the commencement of this Act: Provided that any rules under this Act may be made, and any other thing for the purpose of bringing this Act into operation may be done, at any time after the passing thereof, but any such rules or thing shall not take effect until the commencement of this Act.

3. Extent.] This Act shall not extend to Scotland or Ireland.

4. Interpretation.] In this Act:

"Land" includes lands, messuages, tenements, and hereditaments corporeal and incorporeal of any tenure.

"Purchaser for value" includes a mortgagee or lessee, or other person who for valuable consideration takes any interest in land or in a charge on land, and "purchase" has a meaning corresponding with purchaser.

"Person" includes a body of persons corporate or unincorporate.

"Prescribed" means prescribed by any general rules made in pursuance of this Act.

"Act of Parliament" includes local and personal Act.

"Land charge" means a rent or annuity or principal moneys payable by instalments, or otherwise, with or without interest charged, otherwise than by deed, upon land, under the provisions of any Act of Parliament, for securing to any person either the moneys spent by him or the costs, charges, and expenses incurred by him under such Act, or the moneys advanced by him for repaying the moneys spent, or the costs, charges, and expenses incurred by another person under the authority of an Act of Parliament, and a charge under the thirty-fifth section of the Land Drainage Act, 1861 [24 & 25 Vict. c. 133], or under the twenty-ninth section of the Agricultural Holdings (England) Act, 1883 [46 & 47 Vict. c. 61], but does not include a rate or scot.

"Deed of arrangement" has the same meaning as in the Deeds of Arrangement Act, 1887 [50 & 51 Vict. c. 57].

"Judgment" does not include an order made by a court having jurisdiction in bankruptcy in the exercise of that jurisdiction, but, save as aforesaid, includes any order or decree having the effect of a judgment.

PART II.—REGISTRATION OF WRITS AND ORDERS AFFECTING LAND.

5. Register of writs and orders affecting land.] (1.)

There shall be established and kept at the Office of Land Registry a register of writs and orders affecting land, and there may be registered therein, in the prescribed manner, any writ or order affecting land issued or made by any court for the purpose of enforcing a judgment, statute, or recognizance, and any order appointing a receiver or sequestrator of land.

(2.) Every entry made in pursuance of this section shall be made in the name of the person whose land is affected by the writ or order registered.

(3.) The registration of a writ or order in pursuance of this Act shall cease to have effect at the expiration of five years from the date of the registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of the renewal.

(4.) Registration of a writ or order in pursuance of this section shall have the same effect as, and make unnecessary, registration thereof in the Central Office of the Supreme Court of Judicature in pursuance of any other Act.

6. Protection of purchasers against non-registered writs and orders.] Every such writ and order as is mentioned in section five, and every delivery in execution or other proceeding taken in pursuance of any such writ or order, or in obedience thereto, shall be void as against a purchaser for value of the land unless the writ or order is for the time being registered in pursuance of this Act.

Provided that—

(a.) where the writ or order is at the commencement of this Act registered in pursuance of the Act of the session held in the twenty-seventh and twenty-eighth years of Her Majesty, chapter one hundred and twelve, intitled "An Act to amend the law relating to future judgments, statutes, and recognizances," nothing in this section shall affect the operation of such writ or order until the expiry of the period for which it is so registered;

(b.) where the proceeding in which the writ or order was issued or made is for the time being registered as a *lis pendens* in the name of the person whose land is affected by the writ or order, nothing in this section shall affect the operation of such registration.

PART III.—REGISTRATION OF DEEDS OF ARRANGEMENT.

7. Register of deeds of arrangement affecting land.] A register (in this Act called the register of deeds of arrangement affecting land) shall be kept at the Office of Land Registry, and deeds of arrangement may be registered therein, in the prescribed manner, in the name of the debtor.

8. Registration of deeds of arrangement.] A deed of arrangement may be registered in the register of deeds of arrangement affecting land on the application of a trustee of the deed, or of a creditor assenting to or taking the benefit of the deed, and the registration may be vacated pursuant to an order of the High Court of Justice or any judge thereof.

9. Protection of purchasers against unregistered deeds of arrangement.] Every deed of arrangement, whether made before or after the commencement of this Act, shall be void as against a person who, after the commencement of this Act, becomes a purchaser for value of any land comprised therein or affected thereby, unless and until such deed is registered in the register of deeds of arrangement affecting land: Provided that nothing in this section shall affect any deed of arrangement made before the commencement of this Act until the expiration of one year from the commencement of this Act if registered within that year.

PART IV.—REGISTRATION OF LAND CHARGES.

10. Registry of land charges.] A register, in this Act called the register of land charges, shall be kept at the Office of Land Registry, and land charges may be registered therein in the prescribed manner:—

(1.) In the case of freehold land, in the name of the person beneficially entitled to the first estate of freehold at the time of the creation of the land charge:

(2.) In the case of copyhold land, in the name of the tenant on the court rolls at the time of the creation of the land charge.

Provided that where the person by or on behalf of whom the application was made pursuant to which the land charge was created was beneficially entitled to a lease for lives or a life at a rent or to a term of years the land charge shall be registered also in the name of that person.

11. Expenses.] The expenses incurred by the person entitled to a land charge created before the commencement of this Act in causing the charge to be registered in the register of land charges shall be deemed to form part of such land charge, and shall be recoverable by him accordingly on the day for payment of any part of such land charge next after such expenses are incurred.

12. Protection of purchasers against unregistered charges.] A land charge created after the commencement of this Act shall be void as against a purchaser for value of the land charged therewith, or of any interest in such land, unless and until such land charge is registered in the register of land charges in the manner mentioned in this Act.

13. Non-registered land charge existing at commencement of this Act.] After the expiration of one year from the first assignment by act *inter vivos*, occurring after the commencement of this Act, of a land charge created before the commencement of this Act, the person entitled thereto shall not be able to recover the same, or any part thereof, as against a purchaser for value of the land charged therewith or of any interest in such land, unless such land charge is registered in the registry of land charges in the manner mentioned in this Act prior to the completion of the purchase.

14. Vacation of entry.] The registration of a land charge may be vacated pursuant to an order of the High Court of Justice or any judge thereof.

PART V.—SUPPLEMENTAL.

15. Index to registers.] An alphabetical index in the prescribed form shall be kept at the Office of Land Registry of all entries made in any register kept at that office pursuant to this Act.

16. Searches.] Any person may search in any register or index kept in pursuance of this Act on paying the prescribed fee.

17. Official searches.] The provisions as to searches in the Central Office, requisitions, certificates, officers, clerks, persons, and for the protection of solicitors, trustees, agents, and other persons in a fiduciary position contained in the second section to the Conveyancing Act, 1882 [45 & 46 Vict. c. 39], except so much of those provisions as relates to the making of general rules, shall apply to searches in any register or index kept in pursuance of this Act in the register of *lis pendens*, the register of deeds of arrangement affecting land, and the register of land charges, in the same manner as if this Act had been described in Part I. of the

First Schedule to the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41].

18. General rules.] The Lord Chancellor may at any time after the passing of this Act, and from time to time, with the concurrence of the Commissioners of Her Majesty's Treasury as to fees, make such general rules as may be required for carrying this Act into effect.

CHAPTER 52.

[Public Health (Buildings in Streets) Act, 1888.]

An Act to amend the Public Health Acts in relation to Buildings in Streets.

[24th December 1888.]

Whereas the provisions of the Public Health Act, 1875 [38 & 39 Vict. c. 55], with respect to bringing forward houses or buildings in streets are defective, and it is expedient to make further provisions in relation thereto:

Be it therefore enacted, &c.:

1. Short titles and construction.] This Act may be cited as the Public Health (Buildings in Streets) Act, 1888, and this Act and the Public Health Act, 1875, and the Public Health (Water) Act, 1878, and the Public Health (Interments) Act, 1879, and the Public Health (Fruit Pickers Lodgings) Act, 1882, and the Public Health, 1875 (Support of Sewers), Amendment Act, 1883, and the Public Health (Confirmation of Byelaws) Act, 1884, and the Public Health (Officers) Act, 1884, and the Public Health (Ships, &c.) Act, 1885, and the Public Health (Members and Officers) Act, 1885, may be cited together as the Public Health Acts, and this Act shall be construed as one with the Public Health Act, 1875.

2. Interpretation.] In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the Public Health Act, 1875, have in this Act the same respective meanings.

3. Buildings not to be brought forward.] Section one hundred and fifty-six of the Public Health Act, 1875, is, save as herein-after mentioned, hereby repealed, and in lieu thereof it is hereby enacted that it shall not be lawful in any urban district, without the written consent of the urban authority, to erect or bring forward any house or building in any street, or any part of such house or building, beyond the front main wall of the house or building on either side thereof in the same street, nor to build any addition to any house or building beyond the front main wall of the house or building on either side of the same.

Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority.

Provided that the repeal by this Act enacted shall not affect anything duly done or suffered, or any right or liability acquired, accrued, or incurred, or any security given under the section hereby repealed, or any penalty, forfeiture, or punishment incurred in respect of any offence committed against such section, or any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.

CHAPTER 53.

[Borough Funds (Ireland) Act, 1888.]

An Act to authorise the application of Funds of Municipal Corporations and other Governing Bodies in Ireland in certain Cases.

[24th December, 1888.]

CHAPTER 54.

[Sea Fisheries Regulation Act, 1888.]

An Act for the Regulation of the Sea Fisheries of England and Wales.

[24th December, 1888.]

Be it enacted, &c.

1. Establishment of sea fisheries districts and local fisheries committees.] (1.) The Board of Trade may from time to time on the application of a county council or borough council, by order,

(a) create a sea fisheries district comprising any part of the sea within which Her Majesty's subjects have by international law the exclusive right of fishing, either with or without any part of the adjoining coast of England and Wales; and

(b) define the limits of the district, and the area chargeable with any expenses under this Act; and

(c) provide for the constitution of a local fisheries committee for the regulation of the sea fisheries carried on within the district; and may from time to time on like application by subsequent order vary any order made under this section, or unite two or more districts or parts of districts into a separate district, or dissolve any district that may have been formed.

(2.) The local fisheries committee for a sea fisheries district shall be a committee of a county council or borough council, or, if two or more councils appear to be interested, a joint committee of those councils, with the addition in each case of such members representing the fishing interests of the district, including members representing any board of salmon conservators having jurisdiction within the district, as may be directed by the order creating the district, such number of fishery members not being in the aggregate less than the number of members of the county or borough councils provided by the order creating the district. The fishery members shall hold office for the same time as the members appointed by the county or borough council or councils, and any vacancy amongst the fishery members which may arise in the interval shall be filled up by a representative of the fishing interest in respect of which it occurs. The members representing a board of salmon conservators shall be appointed by that board.

(3.) The law relating to committees and joint committees of county councils shall, subject to the provisions of the order constituting a local fisheries committee, apply to the local fisheries committee in like manner as if the powers and duties of that committee were powers and duties transferred by the Local Government Act, 1888, [51 & 52 Vict. c. 41.] to the council or councils represented on the committee and delegated to the committee by the said council or councils, and as if any borough council represented on the committee were a county council.

(4.) Every order made by the Board of Trade under this section shall be laid for thirty days before both Houses of Parliament while in session, and if either House within that period resolves that the whole or any part of the order ought not to be in force the same shall not have any force, without prejudice nevertheless to the making of any other order in its place. Subject to any such resolution, every order so made shall come into force at the expiration of the thirty days aforesaid.

(5.) In case a county council or borough council, to whom application has been made by not less than twenty inhabitant ratepayers interested in sea fisheries, refuse or neglect to apply to the Board of Trade to create a sea fisheries district for the space of six months from the date of the application, the persons making such application shall within twelve months from the date thereof, be entitled to apply to the Board of Trade for an order establishing such sea fisheries district, and the Board of Trade shall, unless the council can show

to their satisfaction that such order should not be made, proceed as if an application had been made by the council.

(6.) Before making any order creating a sea fisheries district the Board of Trade shall cause the draft of such order to be locally published in such manner as they direct, and shall, if any objections are made to such orders, or any of the provisions thereof, cause such local inquiry to be held as may in their opinion be required. Due notice of such inquiry shall be given by advertisement or otherwise, and the report of the person holding such inquiry shall, if the order is made, be laid with the order before both Houses of Parliament.

2. Byelaws for regulation of sea fisheries.] (1.)

A local fisheries committee for a sea fisheries district may from time to time, subject to such regulations as may be made in that behalf by the Board of Trade, make byelaws, to be observed within their district, for all or any of the following purposes, namely,—

(a.) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish, and for determining the size of mesh, form, and dimensions of any instrument of fishing for sea fish;

(b.) For constituting within their district any district of oyster cultivation for the purposes of section four of the Fisheries (Oyster, Crab, and Lobster) Act, 1877 [40 & 41 Vict. c. 42];

(c.) For directing that the proviso to section eight of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, which permits edible crabs in certain conditions or under a certain size to be taken by or be in the possession of any person if those crabs are intended for bait for fishing, shall not apply;

(d.) For repealing or amending any order made under section ten of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, or under the Fisheries (Oyster, Crab, and Lobster) Act (1877) Amendment Act, 1884 [47 & 48 Vict. c. 26];

(e.) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing; and

(f.) For repealing or amending any byelaw made in pursuance of this Act.

(2.) A byelaw made in pursuance of this Act may provide for its application either to the whole or any specified part or parts of the district for which it is made, and either during the whole or any specified part or parts of the year.

3. Penalties for breach of byelaws.] A local fisheries committee may, by their byelaws, impose as penalties for the breach of any byelaw fines not exceeding for any one offence the sum of twenty pounds, and in the case of a continuing offence the additional sum of ten pounds for every day during which the offence continues, and in any case forfeiture of any fishing instrument used or sea fish taken in contravention of, or found in the possession of a person contravening, any byelaw; and any such penalties may be recovered and enforced on summary conviction.

4. Confirmation of byelaws.] (1.) A byelaw made in pursuance of this Act shall not be of any validity until it has been confirmed by the Board of Trade.

(2.) The Board of Trade may, if they think fit, before confirming a byelaw made in pursuance of this Act, cause such local inquiry as they think fit to be held with respect to the byelaw, and may, in any case, confirm any such byelaw, either without modifications, or with such modifications as may be assented to by the local fisheries committee.

5. Copies and evidence of byelaws.] (1.) The local fisheries committee shall cause copies of all byelaws made by them under this Act, and for the time being in force, to be kept posted up in some conspicuous place or places within their district, and shall supply copies of all such byelaws to any applicant, on payment of a sum not exceeding one penny for each copy.

(2.) The production of a copy of any byelaw made in pursuance of this Act, purporting to be signed by a secretary or assistant secretary of the

Board of Trade, shall be conclusive evidence of the byelaw and of the due making and confirmation thereof.

6. Appointment and powers of fishery officers.] (1.) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee: Provided that nothing in this section shall exempt the coastguard and Admiralty officers from their statutory duty in enforcing the laws and regulations affecting vessels engaged in sea fishing.

(2.) For the purpose of enforcing those byelaws every such fishery officer may within the limits of the district, or of any adjoining sea fisheries district or district under the jurisdiction of salmon conservators, or of a harbour authority,—

(a') Stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaws; and

(b.) Search and examine all instruments used in catching or carrying fish; and

(c.) Seize any sea fish or instrument liable to be forfeited in pursuance of any such byelaws.

(3.) If any person without reasonable excuse (proof whereof shall lie on him) refuse to allow any such officer to exercise the powers conferred upon him by this Act, or resist or obstructs any such officer in the performance of his duty, he shall for every such offence be liable on summary conviction to a fine not exceeding five pounds.

(4.) For the enforcement of the provisions of any such byelaws every such officer shall be deemed to be a constable, and to have the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to in his constableness at common law or by statute.

(5.) A local fisheries committee may, with the consent of any board of salmon conservators, appoint as an officer of the committee any officer of the board; and a board of salmon conservators may, with the consent of a local fisheries committee, appoint as an officer of the board any officer of the committee.

7. Power to enter suspected places.] It shall be lawful for any justice of the peace, upon information on oath that there is probably cause to suspect any breach of any byelaw made under this Act to have been committed on any premises, or that any sea fish or instrument liable to be forfeited in pursuance of any such byelaw is concealed on any premises, by warrant under this hand and seal to authorise and empower any fishery officer appointed under this Act, or any police officer, to enter the premises for the purpose of detecting the offence or the concealed fish or instrument at such time or times in the day or night as in the warrant may be mentioned, and to seize any such fish or instruments which may be found on the premises: Provided that the warrant shall not continue in force for more than one week from the date thereof.

8. Returns by local fisheries committees.] Every local fisheries committee shall collect such statistics relating to the sea fisheries within the district of the committee and make such returns to the Board of Trade as to the proceedings of the committee under this Act and as to the sea fisheries aforesaid as the Board of Trade may reasonably require: Provided that any expenses which the local fisheries committee may be required by the Board of Trade to incur in the collection of statistics shall be borne by moneys to be provided by Parliament.

9. Annual meeting of representatives of local committees.] The Board of Trade shall convene a meeting composed of not less than one representative selected by each of the local fisheries committees at least once in each year, to confer with the heads of the Fishery Department of the Board of Trade, and for consultative purposes on matters relating to this Act.

10. Expenses of committees.] The expenses of a local fisheries committee, so far as payable by a county council, shall, according as is provided by the order providing for the constitution of the

local fisheries committee, be general or special expenses within the meaning of the Local Government Act, 1888, and if special expenses shall be charged in manner directed by the order, and the expenses of the committee, so far as payable by the council of a borough, shall be paid out of the borough rate or borough fund.

11. Contents of order for constitution of committee.] An order providing for the constitution of a local fisheries committee may contain such regulations consistent with this Act with respect to the number and mode of appointment of the members of the committee, and with respect to other matters relating to the constitution of the committee, as may seem expedient to the Board of Trade.

12. Relations of local fisheries committees to conservators under Salmon Acts and harbour authorities.]

(1) Where a proposed sea fisheries district will adjoin or overlap the district of a board of salmon conservators, the Board of Trade shall, by the order defining the limits of the sea fisheries district, draw a line at or near the mouth of every river or stream flowing into the sea, or into any estuary within those limits, or at the option of the Board of Trade at or near the mouth of any estuary within those limits, and the sea fisheries district shall not extend into any such river, stream, or estuary above that line; but the order may provide that with respect to any such river, stream, or estuary, or any area subject to a bylaw made under section thirty-nine, subsection eight, of the Salmon Fishery Act, 1873, the conservators shall have the powers of a local fisheries committee.

(2) Where an area is under the jurisdiction of salmon conservators, or of a harbour authority, and an application for the creation of a sea fisheries district comprising that area or any part thereof has not been made or has been refused, the Board of Trade may, if they think fit, by order, confer on the conservators or harbour authority the powers of a local fisheries committee with respect to that area, and may vary or rescind any such order if the area, or any part thereof, is subsequently comprised in a sea fisheries district.

(3.) A local fisheries committee shall not have jurisdiction within any area for the time being subject to a bylaw made under section thirty-nine, subsection eight, of the Salmon Fishery Act, 1873.

(4) Where salmon conservators or a harbour authority have the powers of a local fisheries committee, in pursuance of this section, those powers shall be exercised subject to the same conditions as if exercised by a local fisheries committee, and the provisions of this Act shall apply in the case of bylaws made or officers appointed in exercise of any such powers as if the bylaws were made or the officers appointed by a local fisheries committee.

13. Saving for several fisheries, &c.] Nothing in this Act shall authorise a local fisheries committee to make any bylaw

(a) prejudicially affecting any right of several fishery, or any right on, to, or over any portion of the seashore, where any such right is enjoyed by any person under any local or special Act of Parliament, or any Royal charter, letters patent, prescription, or immemorial usage, without the consent of that person; or

(b) affecting any bylaw made, or to be made, by a board of salmon conservators, and for the time being in force within the district of the committee, or restricting the power of a board of salmon conservators to make any such bylaw; or

(c) affecting any power of a sanitary or other local authority to discharge sewage in pursuance of any power given by a general or local Act of Parliament, or by a Provisional Order confirmed by Parliament.

14. Definitions.] For the purposes of this Act—The expression "county council" shall mean a county council established under the Local Government Act, 1888.

The expression "borough council" shall mean the council of any municipal borough containing, according to the census of one thousand eight hundred and eighty-one, a population of not less than twenty thousand.

The expression "sea fish" shall not include

salmon as defined by any Act relating to salmon, but, save as aforesaid, shall mean fish of all kinds found in the sea, and shall also include lobsters, crabs, shrimps, prawns, oysters, mussels, cockles, and other kinds of crustaceans and shell fish.

The expression "sea" includes the coast up to high-water mark.

The expression "vessel" includes ship, boat, lighter, and craft of every kind, whether stationary or navigated by steam or otherwise.

The expression "person" includes any body of persons corporate or unincorporate.

The expression "fishing interests" includes all persons interested in fisheries, either as owners of fisheries or interests therein, fishermen, fishing-boat owners, smack owners, fish curers, fish merchants, or otherwise, and any board of salmon conservators.

The expression "salmon conservators" means conservators under the Salmon and Fresh-water Fisheries Acts, 1861 to 1866, or any of them.

The expression "harbour authority" means any body corporate, persons, or person being or claiming to be proprietors or proprietor of, or entrusted with the duty of improving, managing, maintaining, or regulating any harbour.

15. Extent of Act.] This Act shall not extend to Scotland or Ireland.

16. Repeal.] The Acts described in the schedule to this Act are hereby repealed, without prejudice to any order made or thing done under any such Act before the passing of this Act.

17. Short title.] This Act may be cited as the Sea Fisheries Regulation Act, 1888.

SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.
44 & 45 Vict. c. 11. -	The Sea Fisheries (Clam and Bait Bed) Act, 1881.
47 & 48 Vict. c. 26. -	The Fisheries (Oyster, Crab, and Lobster) Act (1877) Amendment Act, 1884.

CHAPTER 55.

[Sand-Grouse Protection Act, 1888.]

An Act for the better Protection of the Sand-Grouse in the United Kingdom.

[24th December, 1888.]

Whereas it is expedient to provide for the protection of the sand-grouse, in order that it may, if possible, become acclimatised in the United Kingdom:

Be it therefore enacted, &c.:

1. Penalty for killing sand-grouse.] Any person who shall, after the first day of February, one thousand eight hundred and eighty-nine, and before the first day of January one thousand eight hundred and ninety-two, knowingly or with intent kill, wound, or take any sand-grouse, or shall expose or offer for sale any sand-grouse killed or taken in the United Kingdom, shall, on conviction of any such offence before any justice or justices of the peace in England and Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such bird so killed, wounded, or taken, or exposed or offered for sale, such sum of money not exceeding one pound as to the said justice or justices shall seem meet, together with the costs of conviction.

2. Short title.] This Act may be cited as the Sand-Grouse Protection Act, 1888.

CHAPTER 56.

[Suffragans Nomination Act, 1888.]

An Act to make further provision for the Nomination of Bishops Suffragan.

[24th December 1888.]

Whereas by the Act of the twenty-sixth year of the reign of King Henry the Eighth, chapter fourteen, intituled "An Act for nomination and consecration of suffragans within this realm," it was enacted that the towns therein named should be taken and accepted for sees of bishops suffragans:

And whereas it is desirable to add to the number of towns for the purposes of that Act.

Be it therefore enacted, &c.:

1. Short title.] This Act may be cited as the Suffragans Nomination Act, 1888.

2. Other towns to be sees for suffragans besides those named in 26 Hen. 8. c. 14.] From and after the passing of this Act, for the purposes of the hereinbefore recited Act, such other towns as Her Majesty the Queen may from time to time by Order in Council direct shall be taken and accepted for sees of bishops suffragans as if they had been included in that Act, and that Act shall be construed and have effect accordingly.

3. Power to change see of present suffragans.] It shall be lawful for Her Majesty by writing under Her Royal Sign Manual from time to time to substitute for the see of any bishop suffragan nominated before the passing of this Act any town included in any such Order in Council as in the last preceding section mentioned, and that town shall thenceforth be taken and accepted for the see of that bishop suffragan as if he had been originally nominated thereto.

CHAPTER 57.

[Statute Law Revision (No. 2).]

An Act for further promoting the Revision of the Statute Law by repealing superfluous expressions of enactment, and enactments which have ceased to be a force or have become unnecessary. [24th December, 1888.]

CHAPTER 58.

[Employers Liability Act, 1880, Continuance Act, 1888.]

An Act to continue the Employers Liability Act, 1880. [24th December, 1888.]

Be it enacted, &c.:

1. Continuance of 43 & 44 Vict. c. 42.] The Employers Liability Act, 1880, shall be continued until the thirty-first day of December, one thousand eight hundred and eighty-nine.

CHAPTER 59.

[Trustee Act, 1888.]

An Act to amend the Law relating to the Duties, Powers, and Liability of Trustees. [24th December, 1888.]

Be it enacted, &c.:

1. Short title, extent, and definition.] (1.) This Act may be cited as the Trustee Act, 1888.

(2.) This Act shall not extend to Scotland.

(3.) For the purposes of this Act the expression "trustee" shall be deemed to include an executor or administrator and a trustee whose trust arises by construction or implication of law as well as an express trustee, but not the official trustee of charitable funds.

(4.) The provisions of this Act relating to a trustee shall apply as well to several joint trustees as to a sole trustee.

2. Receipt of money by solicitor as agent.] (1.) It shall be lawful for a trustee to appoint a solicitor to be his agent to receive and give a discharge for any money or any valuable consideration or property receivable by such trustee under the trust by permitting such solicitor to have the custody of, and to produce, a deed containing any such receipt as is referred to in the fifty-sixth section of the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41]; and no trustee shall be chargeable with breach of trust by reason only of his having made or concurred in making any such appointment; and the producing of any such deed by such solicitor shall have the same validity and effect, by virtue of the said fifty-sixth section, as the same would have had if the person

appointing such solicitor had not been a trustee: Provided that nothing herein contained shall exempt a trustee from any liability which he would have incurred if this Act had not passed in case he permits such money, valuable consideration, or property to remain in the hands or under the control of the solicitor appointed as aforesaid for a period longer than is reasonably necessary to enable such solicitor to pay or transfer the same to the trustee.

(3.) It shall be lawful for a trustee to appoint a banker or solicitor to be his agent to receive and give a discharge for any money payable to such trustee under or by virtue of a policy of assurance by permitting such banker or solicitor to have the custody of and to produce such policy of assurance with a receipt signed by such trustee, and no trustee shall be chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment: Provided that nothing herein contained shall exempt a trustee from any liability which he would have incurred if this Act had not passed, in case he permits such money to remain in the hands or under the control of the banker or solicitor appointed as aforesaid for a period longer than is reasonably necessary to enable such banker or solicitor to pay the same to the trustee.

(3.) This section shall apply only where the money or valuable consideration or property is to be received after the passing of this Act.

3. Depreciatory conditions on sales by trustees.] (1.) No sale made by a trustee shall be impeached by any *cestui qui trust* upon the ground that any of the conditions, subject to which the sale was made, may have been unnecessarily depreciatory, unless it shall also appear that the consideration for the sale was thereby rendered inadequate.

(2.) No sale made by a trustee shall, after the execution of the conveyance, be impeached as against the purchaser upon the ground that any of the conditions subject to which the sale was made may have been unnecessarily depreciatory, unless it shall appear that such purchaser was acting in collusion with such trustee at the time when the contract for such sale was made.

(3.) No purchaser, upon any sale made by a trustee, shall be at liberty to make any objection against the title upon the ground aforesaid.

(4.) This section shall apply only to sales made after the passing of this Act.

4. Loans by trustees.] (1.) No trustee lending money upon the security of any property shall be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of such property at the time when the loan was made, provided that it shall appear to the Court that in making such loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be an able practical surveyor or valuer, instructed and employed independently of any owner of the property, whether such surveyor or valuer carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed two equal third parts of the value of the property as stated in such report, and that the loan was made under the advice of such surveyor or valuer expressed in such report. And this section shall apply to a loan upon any property of any tenure, whether agricultural or house or other property, on which the trustee can lawfully lend.

(2.) No trustee lending money upon the security of any leasehold property shall be chargeable with breach of trust only upon the ground that in making such loan he dispensed, either wholly or partially, with the production or investigation of the lessor's title.

(3.) No trustee shall be chargeable with breach of trust only upon the ground that, in effecting the purchase of any property, or in lending money upon the security of any property, he shall have accepted a shorter title than the title which the purchaser is, in the absence of a special contract, entitled to require, if in the opinion of the Court the title accepted be such as a person acting with prudence and caution would have accepted.

(4.) This section shall apply to transfers of existing securities as well as to new securities, and to investments made as well before as after the

passing of this Act, except where some action or other proceeding shall be pending with reference thereto at the passing of this Act.

5. Liability for loss by reason of improper investments.] (1.) Where a trustee shall have improperly advanced trust money on a mortgage security which would at the time of the investment have been a proper investment in all respects for a less sum than was actually advanced thereon, the security shall be deemed an authorised investment for such less sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest.

(2.) This section shall apply to investments made as well before as after the passing of this Act, except where some action or other proceeding shall be pending with reference thereto at the passing of this Act.

6. Indemnity for breach of trust.] (1.) Where a trustee shall have committed a breach of trust at the instigation or request or with the consent in writing of a beneficiary, the court may, if it shall think fit, and notwithstanding that the beneficiary may be a married woman entitled for her separate use, whether with or without a restraint upon anticipation, make such order as to the court shall seem just for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

(2.) This section shall apply to breaches of trust committed as well before as after the passing of this Act, except where an action or other proceeding shall be pending with reference thereto at the passing of this Act.

7. Trustees may insure buildings.] (1.) It shall be lawful for, but not obligatory upon, a trustee to insure against loss or damage by fire any building or other insurable property to any amount (including the amount of any insurance already on foot) not exceeding three equal fourth parts of the full value of such building or property, and to pay the premiums for such insurance out of the income thereof or out of the income of any other property, subject to the same trusts, without obtaining the consent of any person who may be entitled wholly or partly to such income.

(2.) This section shall not apply to any building or property which a trustee is bound forthwith to convey absolutely to any *cestui que trust* upon being requested so to do.

8. Statute of limitations may be pleaded by trustees.]

(1.) In any action or other proceeding against a trustee or any person claiming through him, except where the claim is founded upon any fraud or fraudulent breach of trust to which the trustee was party or privy, or is to recover trust property, or the proceeds thereof still retained by the trustee, or previously received by the trustee and converted to his use, the following provisions shall apply:—

(a.) All rights and privileges conferred by any statute of limitations shall be enjoyed in the like manner and to the like extent as they would have been enjoyed in such action or other proceeding if the trustee or person claiming through him had not been a trustee or person claiming through him:

(b.) If the action or other proceeding is brought to recover money or other property, and is one to which no existing statute of limitations applies, the trustee or person claiming through him shall be entitled to the benefit of and be at liberty to plead the lapse of time as a bar to such action or other proceeding in the like manner and to the like extent as if the claim had been against him in an action of debt for money had and received, but so nevertheless that the statute shall run against a married woman entitled in possession for her separate use, whether with or without a restraint upon anticipation, but shall not begin to run against any beneficiary unless and until the interest of such beneficiary shall be an interest in possession.

(2.) No beneficiary, as against whom there would be a good defence by virtue of this section, shall derive any greater or other benefit from a judgment or order obtained by another beneficiary than he could have obtained if he had brought such action or other proceeding and this section had been pleaded.

(3.) This section shall apply only to actions or other proceedings commenced after the first day of January one thousand eight hundred and ninety, and shall not deprive any executor or administrator of any right or defence to which he is entitled under any existing statute of limitations.

9. Investments on mortgage of long terms.] A power to invest trust money in real securities shall authorise and shall be deemed to have always authorised an investment upon mortgage of property held for an unexpired term of not less than two hundred years and not subject to any reservation of rent greater than one shilling a year, or to any right of redemption, or to any condition for re-entry except for nonpayment of rent.

10. Trustees of renewable leaseholds may renew.] It shall be lawful for any trustee of any leaseholds for lives or years which are renewable from time to time, either under any covenant or contract or by custom or usual practice, if he shall in his discretion think fit, and it shall be the duty of such trustee, if thereunto required by any person having any beneficial interest, present or future or contingent, in such leaseholds, to use his best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms, and for that purpose it shall be lawful for any such trustee from time to time to make or concur in making such surrender of the lease for the time being subsisting, and to do all such other acts as shall be requisite in that behalf; but this section is not to apply to any case where by the terms of the settlement or will the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew the lease or to contribute to the expense of renewing the same, unless the consent in writing of such person is obtained to such renewal on the part of the trustee.

11. Power to trustees to raise money to meet fines on renewal of lease.] In case any money shall be required for the purpose of paying for the renewal of any lease as aforesaid, it shall be lawful for the trustee effecting such renewal to pay the same out of any money which may then be in his hands in trust for the persons beneficially interested in the lands to be comprised in the renewed lease, and if he shall not have in his hands as aforesaid sufficient money for the purpose, it shall be lawful for the trustee to raise the money required by mortgage of the hereditaments to be contained in the renewed lease, or of any other hereditaments for the time being subject to the subsisting uses or trusts to which the hereditaments comprised in the renewed lease shall be subject; and no mortgagee advancing money upon such mortgage, purporting to be made under this power shall be bound to see that such money is wanted, or that no more is raised than is wanted for the purpose aforesaid.

12. Application of Act.] (1.) This Act shall apply as well to trusts created by instrument executed before as to trusts created after the passing of this Act.

(2.) Provided always, that save as in this Act expressly provided, nothing therein contained shall authorise any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do, by the instrument or instruments creating the trust.

CHAPTER 60.

[*Probate Duties (Scotland and Ireland) Act, 1888.*]

An Act for assigning to Scotland and Ireland respectively certain shares of the Probate Duties; and for providing for the application of such shares. [24th December, 1888.]

CHAPTER 61.

[*Appropriation Act, 1888.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-nine, and to appropriate the Supplies granted in this Session of Parliament. [24th December 1888.]

CHAPTER 62.

[Preferential Payments in Bankruptcy
Act, 1888]

An Act to amend the Law with respect to Preferential Payments in Bankruptcy, and in the winding-up of Companies.

[24th December, 1888.]

Be it enacted, &c.:

1. *Priority of debts.* In the distribution of the property of a bankrupt, and in the distribution of the assets of any company being wound up under the Companies Act, 1862, and the Acts amending the same, there shall be paid in priority to all other debts—

(a.) All parochial or other local rates due from the bankrupt or the company at the date of the receiving order or, as the case may be, the commencement of the winding-up, and having become due and payable within twelve months next before that time, and all assessed taxes, land tax, property or income tax assessed on the bankrupt or the company up to the fifth day of April next before the date of the receiving order, or, as the case may be, the commencement of the winding-up, not exceeding in the whole one year's assessment;

(b) All wages or salary of any clerk or servant in respect of services rendered to the bankrupt or the company during four months before the date of the receiving order, or, as the case may be, the commencement of the winding-up, not exceeding fifty pounds; and

(c) All wages of any labourer or workman not exceeding twenty-five pounds, whether payable for time or for piece-work, in respect of services rendered to the bankrupt or the company during two months before the date of the receiving order or, as the case may be, the commencement of the winding-up: Provided that where any labourer in husbandry has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, or a part thereof, as the court may decide to be due under the contract, proportionate to the time of service up to the date of the receiving order, or, as the case may be, the commencement of the winding-up.

(2.) The foregoing debts shall rank equally between themselves and shall be paid in full, unless the property of the bankrupt is, or the assets of the company are, insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3.) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith so far as the property of the debtor, or the assets of the company, as the case may be, is or are sufficient to meet them.

(4.) In the event of a landlord or other person distraining or having distrained on any goods or effects of a bankrupt or a company being wound up within three months next before the date of the receiving order or the winding-up order respectively the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof. Provided, that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom such payment is made.

(5.) This section, so far as it relates to the property of a bankrupt, shall have effect as part of section forty of the Bankruptcy Act, 1883.

(6.) This section shall apply, in the case of a deceased person who dies insolvent, as if he were a bankrupt, and as if the date of his death were substituted for the date of the receiving order.

3. *Savings.* (1.) Nothing in this Act shall alter the effect of section five of the Act twenty-eight and twenty-nine Victoria, chapter eighty-six, "To amend the law of partnership," or shall prejudice the provisions of the Friendly Societies

Act, 1875, or shall effect the priority given to the payment of funeral and testamentary expenses by section one hundred and twenty-five of the Bankruptcy Act, 1883.

(2.) Nothing in this Act shall affect the provisions of the Stannaries Act, 1887 [59 & 51 Vict. c. 43].

3. *Application of Act.* This Act shall apply only in the case of receiving orders and orders for the administration of the estates of deceased debtors according to the law of bankruptcy made and windings-up commenced after the commencement of this Act.

4. *Extent of Act.* This Act shall not apply to Ireland.

5. *Commencement of Act.* This Act shall commence and come into operation from and immediately after the last day of December, one thousand eight hundred and eighty-eight.

6. *Repeal.* The enactments specified in the schedule hereto are hereby repealed to the extent in the third column of that schedule mentioned.

7. *Short title.* This Act may be cited as the Preferential Payments in Bankruptcy Act, 1888.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
46 & 47 Vict. c. 28	The Companies Act, 1883	The whole Act, except as regards its application to Ireland.
46 & 47 Vict. c. 52	The Bankruptcy Act, 1883	Section forty, subsections one and two.
49 & 50 Vict. c. 28	The Bankruptcy (Agricultural Labourers' Wages) Act, 1886	The whole Act.

CHAPTER 63.

[Crofters Commission (Delegation of Powers)
Act, 1888.]

An Act to amend the twenty-third section of "The Crofters Holdings (Scotland) Act, 1886."

[24th December, 1888.]

CHAPTER 64.

[Law of Libel Amendment Act, 1888.]

An Act to amend the Law of Libel.

[24th December, 1888.]

Whereas it is expedient to amend the law of libel:

Be it therefore enacted, &c.:

1. *Interpretation.* In the construction of this Act the word "newspaper" shall have the same meaning as in the Newspaper Libel and Registration Act, 1881.

2. *Repeal of 44 & 45 Vict. c. 60, s. 2.* Section two of the Newspaper Libel and Registration Act, 1881, is hereby repealed.

3. *Newspaper reports of proceedings in court privileged.* A fair and accurate report in any newspaper of proceedings publicly heard before any court exercising judicial authority shall, if published contemporaneously with such proceedings, be privileged: Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter.

4. *Newspaper reports of proceedings of public meetings and of certain bodies and persons privileged.* A fair and accurate report published in any newspaper of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a vestry, town council, school board, board of guardians, board or local authority formed or constituted under the provisions of any Act of Parliament, or of any committee appointed by any of the above-mentioned bodies, or of any meeting of any commissioners authorised to act by letters patent, Act of Parliament, warrant under the Royal Sign Manual, or other lawful warrant

or authority, select committees of either House of Parliament, justices of the peace in quarter sessions assembled for administrative or deliberative purposes, and the publication at the request of any Government office or department, officer of state, commissioner of police, or chief constable of any notice or report issued by them for the information of the public, shall be privileged, unless it shall be proved that such report or publication was published or made maliciously: Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter: Provided also, that the protection intended to be afforded by this section shall not be available as a defence in any proceedings if it shall be proved that the defendant has been requested to insert in the newspaper in which the report or other publication complained of appeared a reasonable letter or statement by way of contradiction or explanation of such report or other publication, and has refused or neglected to insert the same. Provided further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter not of public concern and the publication of which is not for the public benefit.

For the purposes of this section "public meeting" shall mean any meeting *bonâ fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted.

5. *Consolidation of actions.* It shall be competent for a judge or the court, upon an application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same, libel brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order has been made, and before the trial of the said actions, the defendants in any new actions instituted in respect to the same, or substantially the same, libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

In a consolidated action under this section the jury shall assess the whole amount of damages (if any) in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately; and if the jury shall have found a verdict against the defendant or defendants in more than one of the actions so consolidated, they shall proceed to apportion the amount of damages which they shall have so found between and against the said last-mentioned defendants; and the judge at the trial, if he awards to the plaintiff the costs of the action, shall thereupon make such order as he shall deem just for the apportionment of such costs between and against such defendants.

6. *Power to defendant to give certain evidence in mitigation of damages.* At the trial of an action for a libel contained in any newspaper the defendant shall be at liberty to give in evidence in mitigation of damages that the plaintiff has already recovered (or has brought actions for) damages or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as the libel for which such action has been brought.

7. *Obscene matter need not be set forth in indictment or other judicial proceeding.* It shall not be necessary to set out in any indictment or other judicial proceeding instituted against the publisher of any obscene libel the obscene passages, but it shall be sufficient to deposit the book, newspaper, or other documents containing the alleged libel with the indictment or other judicial proceeding, together with particulars showing precisely by reference to pages, columns, and lines in what part of the book, newspaper, or other document the alleged libel is to be found, and such particulars shall be deemed to form part of the record, and all proceedings may be taken thereon as though the passages complained of had been set out in the indictment or judicial proceeding.

8. *Repeal of 44 & 45 Vict. c. 60, s. 3. Order of Judge required for prosecution of newspaper proprietor &c.* Section three of the forty-fourth and forty-

fifth Victoria, chapter sixty, is hereby repealed, and instead thereof be it enacted that no criminal prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the publication of a newspaper for any libel published therein without the order of a Judge at Chambers being first had and obtained.

Such application shall be made on notice to the person accused, who shall have an opportunity of being heard against such application.

9. *Person proceeded against criminally a competent witness.* Every person charged with the offence of libel before any court of criminal jurisdiction, and the husband or wife of the person so charged, shall be competent, but not compellable, witnesses on every hearing at every stage of such charge.

10. *Extent of Act.* This Act shall not apply to Scotland.

11. *Short title.* This Act may be cited as the Law of Libel Amendment Act, 1888.

CHAPTER 65.

[Solicitors Act, 1888.]

An Act to provide for the custody of the Roll of Solicitors of the Supreme Court in England by the Incorporated Law Society, and otherwise to amend the law relating to Solicitors. [24th December, 1888.]

Whereas the office of Clerk of the Petty Bag has recently, on the death of the late holder of that office, been abolished:

And whereas the custody of the roll of solicitors of the Supreme Court of Judicature in England was up to that date entrusted to the Clerk of the Petty Bag, and it is now expedient to transfer its custody to the Incorporated Law Society as Registrar of Solicitors, and it is also expedient to make other amendments in the law relating to solicitors of the Supreme Court:

Be it therefore enacted, &c.:

Preliminary.

1. *Short title.* This Act may be cited as the Solicitors Act, 1888.

2. *Commencement of Act.* This Act, so far as it relates to the power of certain of Her Majesty's judges to make rules thereunder, shall come into operation on its passing, and for all other purposes shall (save as otherwise expressed) come into operation on the first day of February one thousand eight hundred and eighty-nine, which date is in this Act referred to as the commencement of this Act.

3. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

4. *Interpretation.* In this Act—
"Solicitor" means solicitor of the Supreme Court of Judicature in England.

"The Incorporated Law Society" or "the Society" means the Society referred to under that title in the Solicitors Act, 1843 [6 & 7 Vict. c. 73].

"The Registrar" means the Registrar of Solicitors.

"Articles of Clerkship" or "articles" includes every contract binding a person to serve as clerk to a solicitor under the Solicitors Act, 1843, and the enactments amending that Act.

Custody of Roll of Solicitors.

5. *Transfer to Incorporated Law Society of roll of solicitors.* The books containing the rolls of solicitors, and any other documents relating thereto, heretofore in the custody of the Clerk of the Petty Bag, shall, as soon as may be after the passing of this Act, be transferred to and be kept in the custody of the Incorporated Law Society as Registrar of Solicitors; and all affidavits, orders, and documents heretofore required to be filed or delivered at the Petty Bag Office shall henceforth be filed with or delivered to the Society; and all powers and duties of the Clerk of the Petty Bag in relation to the roll of solicitors or to solicitors shall henceforth (subject to the repeals effected by and to the other provisions of this Act) be performed and exercised by the Society: Provided that the Master of the Rolls shall have and exercise all the powers and jurisdiction with regard to all the matters in this section mentioned which he had and might have exercised if this Act had not been passed.

6. *Inspection of roll.* The roll of solicitors shall, during office hours, be open to the inspection of any person without fee or reward.

As to Articles of Clerkship.

7. *Articles of Clerkship to be registered by Registrar.* Any articles binding any person to serve as clerk to a solicitor, and not registered before the passing of this Act, shall, within six months of the date thereof, be produced to the Registrar, who, on being satisfied of the due execution of the articles, shall enter in a book the names and addresses of the parties to and the date of the articles, and the date of the entry.

For every such entry the Registrar shall be entitled to receive a fee of five shillings; and the book in which the entries are made shall, during office hours, be open to inspection by any person without fee or reward.

The Registrar may, before making such entry as aforesaid, require the execution of any articles to be verified by a statutory declaration or otherwise as may be thought fit by the Registrar.

8. *Provision if articles not registered within six months.* If articles are not produced to the Registrar for entry within six months of the date thereof, they may be subsequently produced and entered; but in that case the service of the clerk shall be reckoned to commence from the date of the production for entry, unless the Master of the Rolls shall otherwise direct.

9. *Case of fresh articles.* The enactments of this Act with respect to the production and entry of articles apply to fresh articles under section thirteen of the Solicitors Act, 1843, in the same manner as they apply to the original articles.

Admission.

10. *Admission as solicitor by Master of the Rolls.* A person who has obtained from the Society a certificate of having passed a final examination may apply to the Master of the Rolls to be admitted as a solicitor; and thereupon the Master of the Rolls, unless cause to the contrary is shewn to his satisfaction, shall by writing under his hand admit, in such manner and form as he shall from time to time direct, such person to be a solicitor.

11. *Enrolment of persons admitted.* On production of the admission signed by the Master of the Rolls, and on payment of a fee not exceeding five pounds to the Society, it shall be the duty of the Society as Registrar to cause the name of the person admitted to be entered on the roll of solicitors.

Striking off the Roll.

12. *Constitution of committee.* For the purpose of hearing any application to strike a solicitor off the roll of solicitors, or an application to require a solicitor to answer allegations contained in an affidavit, the Master of the Rolls shall appoint a committee of not less than three nor more than seven of the members of the council of the Society, in this Act called "the committee."

The Master of the Rolls may from time to time remove any member from the committee, or fill any vacancy in the committee, or add to its number, provided that the number shall not exceed seven or be less than three.

No application shall be heard before less than three members of the committee.

13. *Applications to be made to committee; report of committee.* An application to strike the name of a solicitor off the roll of solicitors (whether at the instance of the solicitor himself or of any other person), or an application to require a solicitor to answer allegations contained in an affidavit, shall be made to and shall be heard by the committee in accordance with rules to be made under the authority of this Act.

The Committee, after hearing the case, shall embody their finding in the form of a report to the High Court of Justice, except where the application is made at the instance of the solicitor himself, in which case the report shall be made to the Master of the Rolls, who shall make such order thereon as he shall think fit.

If the committee are of opinion that there is no *prima facie* case of misconduct against the solicitor, the Society need not take any further proceed-

ings; but if the committee are of opinion that there is a *prima facie* case, it shall be the duty of the Society to bring the report of the committee before the court.

The report shall have the same effect, and shall be treated by the court in the same manner, as a report of a master of the court; and the court may make such order thereon as to the court may seem fit.

Provided that any person who but for this Act would have been entitled to apply to the court to strike a solicitor off the roll of solicitors, or to apply to require a solicitor to answer allegations contained in an affidavit, shall be entitled so to apply although the committee is of opinion that there is no *prima facie* case of misconduct against the solicitor, and shall be entitled to be heard if the Society brings the report of the committee before the court.

14. *Power to administer oaths, &c.* The committee may administer and take oaths and affirmations for the purpose of an inquiry on any application made to them under this Act.

15. *Rules as to procedure before committee.* The Master of the Rolls, with the concurrence of the Lord Chancellor and of the Lord Chief Justice of England, or one of them, may make, and from time to time alter and revoke, rules for regulating the making, hearing, and determining applications to the committee under this Act, and reports by the committee to the court under this Act, and generally for the purpose of the execution of the provisions of this Act.

Miscellaneous.

16. *Jurisdiction as to renewal of annual certificate.* If a solicitor who has obtained the registrar's certificate entitling him to practise neglects for twelve months after the expiration of such certificate to obtain a fresh certificate, and subsequently applies for a fresh certificate, it shall be in the discretion of the Registrar to grant or refuse the application, subject to an appeal to the Master of the Rolls, who may affirm the decision of the Registrar, or may direct the Registrar to issue a certificate to the appellant on such terms and conditions (if any) as he may think fit.

Notice of the intention to make the application must be given to the Registrar at least six weeks before the application is actually made, unless such notice is dispensed with by the Registrar or by the Master of the Rolls.

17. *Power to council to act on behalf of Society.* Any act or thing authorized or required to be done by the Society under or in pursuance of this Act shall be done by the council for the time being of the Society on behalf of the Society.

18. *Compensation by Society to Petty Bag officers.* If any person who immediately before the passing of this Act was employed in, or in connexion with, the office of the Clerk of the Petty Bag becomes entitled to compensation under section eleven of the Great Seal (Offices) Act, 1874 [37 & 38 Vict. c. 81], or otherwise, in respect of loss of salary by reason of the abolition of the office of Clerk of the Petty Bag, such compensation shall be paid by and out of the funds of the Society.

19. *Saving for jurisdiction of Master of the Rolls and other judges.* The Master of the Rolls, or any judge of the High Court of Justice, may, notwithstanding anything in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not been passed.

20. *Repeal.* The Acts described in the first column of the schedule to this Act are hereby repealed to the extent specified in the second column of that schedule; and the rules made by certain of Her Majesty's judges "As to re-admission and the taking out and renewal of certificates," dated the second day of November one thousand eight hundred and seventy-five, are hereby also repealed; without prejudice to anything already done or suffered, or to any proceeding which may at the commencement of this Act be pending under any of those enactments or rules; and any such proceeding may be carried on and completed in all respects as if this Act had not been passed.

THE SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words referred to as forming the beginning or the end of the portion comprised.

Title or Short Title.	Extent of Repeal.
The Solicitors Act, 1843. [6 & 7 Vict. c. 73.]	In sections three and six the words "and sworn"; and section three from "Provided always" to end of section; sections eight to eleven; section thirteen from "Provided that" to end of section; sections fourteen and nineteen; section twenty-one from "and such registrar" to "and Durham"; section thirty; and section forty-six.
The Colonial Attorneys Relief Act, 1857. [20 & 21 Vict. c. 39.]	Section five from "for the judges" to "solicitor also and," and from "and not as an attorney" to the first "required," and from "an attorney or solicitor" to "attorney and solicitor," and from "and if by any such" to first "after mentioned," and from the second "to administer" to "taken and," and the words "and they" and "or they" and "or them" wherever they occur, and the words "in the Court of Chancery" and "of such court."
The Solicitors Act, 1860. [23 & 24 Vict. c. 127.]	Section seven; section twelve from "as to the court" to "Westminster," and from "by affidavit" to "otherwise," and from "may proceed" to "allegiance and," and the word "other" before "Acts," and the words "an attorney and"; section seventeen; and section thirty-two.
The Solicitors Act, 1877. [40 & 41 Vict. c. 25.]	Section seven; section nine from "In the meantime" to "appoint"; section twenty-three from "with the qualification" to "of this Act"; and all the enactments specified in Part II. of the Second Schedule.
The Supreme Court of Judicature Act, 1881. [44 & 45 Vict. c. 68.]	Section twenty-four from "Provision" to end of section.

CHAPTER 66.

[Friendly Societies Act, 1888.]

An Act to amend the Friendly Societies Act, 1875, with reference to certain societies now subject to the provisions of section thirty of that Act. [24th December 1888.]

Be it enacted, &c.:

1. *Exemption from provisions of section 30 of the Friendly Societies Act, 1875, 38 & 39 Vict. c. 60, in certain cases.* Where any friendly society, by reason of its being constituted so as to receive contributions by means of collectors at a greater distance than ten miles from its registered office, is subject to the provisions of section thirty of the Friendly Societies Act, 1875, hereinafter called the principal Act, the chief registrar of friendly societies, on being satisfied that the society has been so constituted solely on bona fide grounds of advantage or convenience to the members thereof, may, on the application of the society, grant to such society a certificate of exemption from the provisions of the said section of the principal Act. Such certificate shall be subject to revocation by the chief registrar, but shall remain in force until revoked by him, and until notice of such revocation shall have been transmitted to and received by the society affected thereby, and so long as the certificate is in force the society shall be subject to all the provisions and entitled to all the privileges of the Friendly Societies Acts, as if it were a society within the definitions of section eight of the principal Act not receiving contributions by means of collectors at a greater distance than ten miles from the registered office.

2. *Construction and short title.* This Act shall be construed as one with the principal Act and the Friendly Societies Act, 1887, and may be cited together with them as the Friendly Societies Acts, and separately as the Friendly Societies Act, 1888.

[The following Act was not printed in full (ante, p. 5) owing to delay in its issue.]

CHAPTER 48

[Companies Clauses Consolidation Act, 1888.]

An Act to amend the Companies Clauses Consolidation Act, 1845, in respect to voting by Proxy. [24th December 1888.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Companies Clauses Consolidation Act, 1888, and the Companies Clauses Consolidation Act, 1845, and this Act may be cited together as the Companies Clauses Consolidation Acts, 1845 and 1888; and this Act shall be construed together with the said Act as part thereof.

2. *Amendment of 8 & 9 Vict. c. 16, s. 76, as to proxies.* To section seventy-six of the Companies Clauses Consolidation Act, 1845, the following words shall be added: "Provided, that where the shareholder is a member of a body corporate, the proxy may be any member of such body, though not personally a shareholder in the company."

3. *Proxy to be taken to be shareholder.* Such a proxy shall, during the continuance of his appointment, be taken in virtue thereof to be a shareholder in the company to which his appointment relates, holding the number of shares held by the corporation by whom he is appointed, for all purposes except the transfer of any such share or the giving receipts for any dividend thereon.

4. *Forms of proxy papers.* The appointment may be made and revoked in the following form:—

FORMS OF PROXY PAPERS.

1. General Appointment.

We, the _____, being a body corporate, and one of the proprietors of the _____ company, hereby appoint A.B., of _____, who is hereby certified to be a member of this corporation, to be our proxy, to vote in our name as he shall think proper upon any matter relating to the several undertakings proposed at any meeting of the said company to be held during the continuance of this appointment, and otherwise to be our representative in such company.

In witness whereof the common seal of the said corporation, attested as is required by its regulations, is hereto set this _____ day of _____.

2. Revocation of General Proxy.

We, the _____, hereby revoke the appointment of _____ of _____, who is our proxy in the _____ company, made by an instrument under our common seal, and dated the _____ day of _____.

In witness whereof the common seal of the said corporation, attested as is required by its regulations, is set hereto the _____ day of _____ [An instrument in this form shall not require any stamp.]

3. Special Appointment.

We, the _____, being a body corporate, and one of the proprietors of the _____ company, do hereby appoint A.B., of _____, who is hereby certified to be a member of this corporation, to vote in our name as he shall think proper upon any matter relating to the said undertaking proposed at the meeting of the proprietors of the said company to be held on the _____ day of _____ next, or at any adjournment thereof.

In witness whereof the common seal of the said corporation, attested as is required by its regulations, is set hereto this _____ day of _____.

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CHAPTER 1.

[Consolidated Fund (No. 1) Act, 1889.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine, and one thousand eight hundred and ninety.

[29th March 1889.]

CHAPTER 2.

[Consolidated Fund (No. 2) Act, 1889.]

An Act to apply the sum of three million seven hundred and twenty-nine thousand two hundred and three pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety.

[1st April 1889.]

CHAPTER 3.

[Army (Annual) Act, 1889.]

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[11th April 1889.]

1. Short title.
2. Army Act (44 & 45 Vict. c. 58) to be in force for specified times.
3. Prices in respect of billings.

Amendments of Army Act, 1881.

4. Amendment of 44 & 45 Vict. c. 58, s. 135, as to classification of prisoners.] Whereas by section one hundred and thirty-five of the Army Act, 1881, provision is made for a difference between the treatment of prisoners convicted of breaches of discipline and the treatment of prisoners convicted of offences of an immoral, dishonest, shameful, or criminal character, and it is expedient to make provision for treating persons sentenced to be discharged from the service with ignominy in the same manner as the latter class of those prisoners: Be it therefore enacted, that in the said section after the words "criminal character" shall be added the words "or sentenced to be discharged from the service with ignominy."

5. Amendment of 44 & 45 Vict. c. 58, s. 91, as to lunatics.] Whereas doubts have arisen as to the effect of certain provisions of section ninety-one of the Army Act, 1881, and it is expedient to remove those doubts; be it therefore enacted as follows:

- (1.) In sub-section three of the said section for the words "and shall be subject accordingly to the provisions of that section" shall be substituted the words "and the like proceedings shall be taken thereon as on an order under that section."
- (2.) In sub-section four of the same section for the words "section eighty-five of the Act of the session of the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-one, intituled, 'An Act for the regulation of the care and treatment of lunatics, and for the provision, maintenance, and regulation of lunatic asylums in Scotland,' and shall be subject accordingly to the provisions of that section," shall be substituted the words "section fifteen of the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter fifty-four, intituled 'An Act to make further provision respecting lunacy in Scotland,' and the like proceedings shall be taken thereon as on an order under that section."
- (3.) In sub-section five of the said section for the word "soldier" shall be substituted the word "lunatic."

6. Amendment of 45 & 46 Vict. c. 58, s. 146, as to exemption from service as sheriff, &c.] Whereas by section one hundred and forty-six of the Army Act, 1881, it is enacted as follows:

"A person who is commissioned and in full pay

as an officer in Her Majesty's regular forces, shall not be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor or alderman of, or to hold any office in, any municipal corporation in any city, borough, or place in the United Kingdom."

And it is expedient that this section should apply to all commissioned officers in Her Majesty's regular forces whilst on the active list, although not on full pay: Be it therefore enacted, that in that section for the words "A person who is commissioned and in full pay as an officer in Her Majesty's regular forces," shall be substituted the words "An officer of the regular forces on the active list within the meaning of any Royal Warrant for regulating the pay and promotion of the regular forces."

7. Recreation rooms.] After section one hundred and seventy-four of the Army Act, 1881, the following section shall be inserted and numbered 174A:—

Notwithstanding anything in the Act of the twenty-fifth year of the reign of His Majesty King George the Second, chapter thirty-six, intituled "An Act for the better preventing theft and robberies and for regulating places of public entertainment and punishing persons keeping disorderly houses," or in the Act of the session held in the sixth and seventh years of Her Majesty, chapter sixty-eight, intituled "An Act for regulating theatres," where a recreation room is managed or conducted under the authority of a Secretary of State or the Admiralty, it may be used for public dancing, music, or other public entertainment of the like kind or for the public performance of stage plays, without any licence in pursuance of those Acts, or either of them.

CHAPTER 4.

[National Debt Redemption Act, 1889.]

An Act to provide for the Redemption of the Consolidated Three Per Cent. Stock, and the Reduced Three Per Cent. Stock.

[11th April 1889.]

Whereas on the fifth day of July, one thousand eight hundred and eighty-eight, the House of Commons adopted the following resolution:—

"Resolved, that the Consolidated Three Pounds Per Centum Annuities and the Reduced Three Pounds Per Centum Annuities shall be redeemable at any time after the expiration of one year from the date at which a copy of this resolution, having been inserted in the London Gazette, is affixed on the Royal Exchange in London, by payments of not less than five hundred thousand pounds at any one time, in manner directed by any Act to be passed";

And whereas the said resolution was signified by the Speaker in writing, was inserted in the London Gazette of the sixth day of July one thousand eight hundred and eighty-eight, and was affixed on the Royal Exchange in London on the same day:

And whereas it is expedient to provide for repayment by Parliament according to the said resolution of so much of the Consolidated Three Pounds Per Centum Annuities and Reduced Three Pounds Per Centum Annuities (hereinafter referred to respectively as Consolidated Three Per Cent. Stock and Reduced Three Per Cent. Stock) as remains outstanding:

Be it therefore enacted, &c.:

1. Redemption of Consolidated Three Per Cent. Stock and Reduced Three Per Cent. Stock.] (1.) Every person who is on the sixth day of July one thousand eight hundred and eighty-nine a holder of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock shall on that day be paid off by the payment of a principal sum at the rate of one hundred pounds sterling for every one hundred pounds of the capital sums in respect of which the annuities constituting his stock are payable, together with all arrears of those annuities at the rate of three pounds per cent. per annum, including the proportionate part accrued since the last date for the payment of dividends, and thereupon the said annuities shall cease and be understood to be redeemed.

(2.) The payment may be made either by warrant in manner provided by this Act, or at the

Bank, or by crediting the stock-holder in the books of the Bank with the amount of cash due to him.

2. Power to pay off in advance.] It shall be lawful for the Treasury to pay off any holders of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock in advance at any time or times before the sixth day of July one thousand eight hundred and eighty-nine, with such consideration for the proportionate part of dividend accrued up to the date of payment as may be agreed on between the Treasury and the stock-holder, and it shall be lawful for any trustee or other fiduciary holder of stock, by assent signified in the prescribed manner, to accept any offer of such payment, and on such payment the annuities constituting the stock shall cease and be understood to be redeemed. Any such consideration shall be charged on and payable out of the Consolidated Fund in like manner as the dividend in respect of which it is payable, and may be treated by trustees and others as income.

3. Provisions as to exchange of stock.] (1.) The Treasury may authorize the Commissioners for the Reduction of the National Debt to take, at any time or times before the said sixth day of July, in exchange for any Two and Three-quarters Per Cent. Consolidated Stock or Local Loan Stock held by those Commissioners, Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock on such terms as those Commissioners may approve, and any trustee or other fiduciary holder of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock may, by assent signified in the prescribed manner, accept any offer of exchange made in pursuance of such authority, and may effect the exchange accordingly, and any such exchange shall not be considered a change or variation of investment by the holder.

(2.) The Treasury may also at any time or times on or before the said sixth day of July offer to the Commissioners for the Reduction of the National Debt Two and Three-quarters Per Cent. Consolidated Stock in exchange for any Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock held by those Commissioners on such terms as may be agreed on, and the Commissioners may accept any such offer, and on such exchange being effected the annuities constituting the Three Per Cent. Stock so exchanged shall cease and be understood to be redeemed.

Ways and Means.

4. Power to issue money out of Consolidated Fund.] The Treasury may at any time after the passing of this Act, and from time to time, issue out of the Consolidated Fund, or the growing produce thereof, such sums as may be required for the purpose of paying any principal sums payable to holders of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock in pursuance of this Act.

5. Power to create Two and Three-quarters Per Cent. Stock.]—(1.) The Treasury may at any time after the passing of this Act, and from time to time, create for the purposes of this Act, Two and Three-quarters Per Cent. Consolidated Stock to an amount not exceeding the aggregate nominal amount of Consolidated Three Per Cent. Stock and Reduced Three Per Cent. Stock outstanding at the passing of this Act less the nominal amount of such stock redeemed by the operation of any sinking fund between the passing of this Act and the sixth day of July next.

(2.) The annuities constituting the Two and Three-quarters Per Cent. Consolidated Stock created in pursuance of this Act shall be created by warrant of the Treasury to the Bank directing the Bank to inscribe in their books the amount of those annuities in the names of the persons entitled thereto.

(3.) The annuities so created shall be charged on the Consolidated Fund of the United Kingdom and paid out of the permanent annual charge for the National Debt, and shall, in manner directed by the warrant, be consolidated in the books of the Bank with the annuities constituting the Two and Three-quarters Per Cent. Consolidated Stock created under the National Debt (Conversion) Act, 1888 [51 & 52 Vict. c. 2], and shall be transferable in those books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities

so far as is consistent with the tenour of those enactments.

8. Power to raise money otherwise than by creation of stock.] (1.) The Treasury may at any time after the passing of this Act, and from time to time, raise any sums required for the purpose of paying any principal sums payable to holders of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock in pursuance of this Act, or of repaying any money issued for that purpose out of the Consolidated Fund, or of repaying any money borrowed or paying off any security issued under this section, and may raise the same either by the sale of Two and Three-quarters Per Cent. Consolidated Stock created under this Act, or by the issue of Exchequer bonds or Exchequer bills or Treasury bills, or by otherwise borrowing (for a period not exceeding twelve months) from such persons as may be willing to lend on the credit of the charge created by this Act on the Consolidated Fund, or by all or any such means, and the sums so raised shall be paid into the Exchequer.

(2.) The principal of the securities created or issued and of money borrowed under this section, and all interest from time to time due thereon, shall be charged on and be payable out of the Consolidated Fund, or the growing produce thereof, and the interest shall be payable as part of the permanent annual charge for the National Debt.

7. Power to borrow money for incidental expenses.] (1.) All sums paid for defraying expenses incurred in pursuance of this Act, or for providing any dividend which by reason of any exchange effected under this Act becomes payable in the then current financial year, instead of the next financial year, shall be charged on and be payable out of the Consolidated Fund or the growing produce thereof, but shall not be payable as part of the permanent annual charge for the National Debt.

(2.) The Treasury may from time to time, as they think fit, for the purpose of repaying to the Consolidated Fund any portion of the money issued thereout for the purposes of this section, raise any sums in any of the modes by which they are by this Act authorised to raise money otherwise than by the creation of stock.

Supplemental.

8. Power for Bank to close transfer books.] The Bank may close their books for the transfer of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock or both at any time on or at any time after the first day of June one thousand eight hundred and eighty-nine [See 33 & 34 Vict. c. 71, s. 25], and every person who on the day of such closing is inscribed as holder of such stock shall for the purposes of this Act be deemed to be the holder of that stock on the sixth day of July one thousand eight hundred and eighty-nine, unless he has previously exchanged his stock in pursuance of this Act.

9. Application of scheduled provisions of 51 & 52 Vict. c. 2.] The provisions of the National Debt (Conversion) Act, 1888, set forth in the schedule to this Act shall apply in the case of any exchange of Stock effected in pursuance of this Act, subject to the following modifications; namely,—

(a.) References in those provisions to new stock shall be construed as including, where the case so requires, Local Loans Stock, as well as Two and Three-quarters Per Cent. Consolidated Stock;

(b.) References in those provisions to the said Act shall be construed as references to this Act.

10. Provision as to stock in court.] (1.) In the case of any Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock, standing in the name or in the books of Her Majesty's Paymaster General, on behalf of the Supreme Court of Judicature in England, the Lord Chancellor may, with the approval of the Treasury, make regulations as to the mode in which effect may be given, with the consent of the person to whom the dividends on the stock are for the time being payable, to any offer of payment or exchange made in pursuance of this Act, and for remitting any fees payable in respect of proceedings with reference to any such payment or exchange.

Provided that where the dividends on the stock

are being accumulated, the consent required under this section shall be the consent of a judge of the High Court.

(2.) Any trustee or other person acting in a fiduciary character is hereby authorised to give any consent required in pursuance of this section.

(3.) The provisions of this section shall extend to any funds in court to the credit of lunatics so found by inquisition, including committees' security accounts, and such funds, together with the stock herein-before mentioned, are in this Act referred to collectively as stock in court.

11. Provision as to charity funds.] In the case of any Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock standing in the name of the official trustees of charitable funds, the consent of the trustees or persons acting in the administration of the charity to which that stock belongs shall be required for the acceptance of any offer of payment or exchange in pursuance of this Act.

12. Power to continue payment of interest in certain cases.] (1.) In the case of any stock in court or of any Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock invested on behalf of depositors in Trustee or Post Office Savings banks the Treasury may, if they think fit, make regulations whereby they may, with the consent of the person to whom the dividends on the stock are for the time being payable, continue to pay interest in respect of the stock at the rate of three pounds per centum per annum during a period expiring at a date not later than the fifth day of April one thousand eight hundred and ninety.

Provided that in the case of stock in court, the regulations shall be made with the concurrence of the Lord Chancellor, and where the dividends on the stock are being accumulated the consent required under this section shall be the consent of a judge of the High Court.

(2.) Any interest paid in pursuance of this section shall be payable out of the Consolidated Fund as part of the permanent annual charge for the National Debt.

13. Provision as to persons not claiming redemption money.] If any person credited in pursuance of this Act with money payable to him on redemption of his stock does not claim that money before the first day of October one thousand eight hundred and eighty-nine, the Treasury shall, in the prescribed manner, give him in exchange for his redeemed stock an equal nominal amount of Two and Three-quarters Per Cent. Consolidated Stock the first dividend whereon shall be payable on the fifth day of October one thousand eight hundred and eighty-nine.

14. Provisions as to powers of attorney.] (1.) A power of attorney authorising the sale of any stock liable to redemption under this Act shall authorize the receipt of any money payable on redemption of that stock.

(2.) A power of attorney given exclusively for the purpose of authorizing receipt of money payable on redemption or exchange of stock under this Act, or for the purpose of empowering the attorney to signify any assent authorised by this Act, or for the purpose of authorizing a transfer of stock to the Commissioners for the Reduction of the National Debt, shall be exempt from stamp duty.

15. Power to make rules.] The Treasury may from time to time make rules for carrying into effect the provisions of this Act, and may by any such rules provide—

(a.) for the manner in which any assent or consent authorised by this Act is to be signified; and

(b.) as to the evidence which the Bank may require of the right to signify assent or consent within or after any time limited in that behalf, or of title, unsoundness of mind, infancy, or any other matter; and

(c.) in the case of any stock holder who is of unsound mind or an infant, or otherwise under disability, for any assent or consent authorised by this Act being signified by the committee, guardian, or other person on behalf of that stock holder; and

(d.) where one or more holders of stock on a joint account is or are of unsound mind, an infant or infants, or under disability, or out of the United Kingdom, for dispensing

with the assent or consent of that holder or those holders; and

(e.) for modifying the provisions of this Act in their application to stock in respect of which stock certificates have been issued in pursuance of the National Debt Act, 1870, [33 & 34 Vict. c. 71]; and

(f.) for any matter which may under this Act be prescribed.

16. Provisions as to Bank.] (1.) A warrant from the Treasury shall be a sufficient authority to the Bank for anything done by the Bank in pursuance of that warrant for the purposes of this Act.

(2.) The Bank shall not be concerned to inquire as to whether any such consent as is required by this Act is given to any exchange of stock, nor be responsible in the event of any such consent not having been given, and may act on any evidence authorised by rules made under this Act, and are hereby indemnified for so acting.

(3.) Nothing in this Act, or in any rules under this Act, shall affect the Bank with notice of any trust.

(4.) The Bank shall have power to advance to the Treasury any money which may be required for the purposes of this Act.

(5.) Any payment which the Bank are authorised by or under this Act to make to a holder of stock, or to any person holding a power of attorney to sell stock, or to receive money on the redemption or exchange of stock, may be made by a warrant sent by post.

(6.) Where a stock holder desires to have a warrant sent to him by post in pursuance of this section, he shall on or before the prescribed date make a request for that purpose to the Bank in writing signed by him in a form approved by the Bank, and shall give to the Bank an address in the United Kingdom, or in the Channel Islands or the Isle of Man, to which the letter containing the warrant is to be sent, and the posting of the letter containing the warrant, addressed in the prescribed manner, shall, as respects the liability of the Bank, be equivalent to the delivery of the warrant to the stock holder.

(7.) A warrant given in pursuance of this section shall be deemed to be a cheque within the meaning of the Bills of Exchange Act, 1882, and shall be exempt from stamp duty.

17. Remuneration of Banks of England and Ireland.] There shall be paid to the Banks of England and Ireland respectively out of the Consolidated Fund on account of any additional trouble, expense, and responsibility which may be imposed on them by this Act, in addition to the remuneration otherwise payable in respect of the management of the National Debt, such remuneration as the Treasury and the Banks respectively agree upon.

18. Definitions.] In this Act, unless the context otherwise requires—

"The Treasury" means the Commissioners of Her Majesty's Treasury;

"High Court" means Her Majesty's High Court of Justice in England or Ireland, as the case may require;

"The Lord Chancellor" means the Lord High Chancellor of Great Britain;

"The Bank" means the Governor and Company of the Bank of England, or the Governor and Company of the Bank of Ireland, as the case may require;

"Person" includes a body of persons corporate or unincorporate;

"Financial year" means the twelve months ending the thirty-first day of March.

19. Short title.] This Act may be cited as the National Debt Redemption Act, 1889.

SCHEDULE.

Provisions of the National Debt Conversion Act, 1888 (51 Vict. c. 2.) applied.

N.B.—Section 27 of this Act is printed with the addition made thereto by section eight of the National Debt (Supplemental) Act, 1888 (51 & 52 Vict. c. 15.). The words printed in italics are not applicable to exchanges.

16. Provisions as to savings banks.] With respect to stock invested on behalf of depositors in trustees

and post office savings banks, the assents authorised by this Act may, on the request of any such depositor, be signified by the Commissioners for the Reduction of the National Debt, and those Commissioners and the Postmaster General respectively shall make such provision as seems to them expedient for enabling such request to be made.

20. *Provisions as to annuitants.*—(1.) Where under any trust or arrangement other than a charitable trust any stock has been appropriated to provide an annuity, and is under this Act liable to be converted into or exchanged for new stock, the person in whose name the stock is standing may, at the request of the annuitant, or in the case of several annuitants, the majority of them, and at the expense of the annuitant or annuitants, sell the stock, and invest the proceeds either in any manner authorised by the trust or arrangement, or in any manner in which cash under the control of the High Court, or the Court of Session, may for the time being be invested, and shall not be liable for any loss arising from any such sale or investment.

(2.) In the case of stock standing in the name of Her Majesty's Paymaster General on behalf of the Supreme Court of Judicature in England, or of the Accountant to the Court of Session in Scotland, or of the Accountant General of the Supreme Court of Judicature in Ireland, any such sale or investment may be authorised by the High Court, or the Court of Session, as the case may be.

(3.) Where, in execution of any trust, or in performance of any duty, and whether in pursuance of the order of any court, or otherwise, any stock has been appropriated to provide an annuity, and is under this Act converted into or exchanged for new stock, the trust or duty shall, so far as relates to the payment of the annuity, be deemed to be executed or performed by the payment of the dividends on the new stock; but nothing in this section shall affect any power of any court or other authority to make any order as to the application of capital in such cases.

21. *Provisions as to stock mortgages.*

(2.) Where under any mortgage or agreement for a loan any person is bound to pay half-yearly sums equal to the dividends on any specified amount of stock, and that amount of stock is under this Act converted into or exchanged for new stock, the obligation shall be satisfied by the payment of quarterly sums equal to the dividends on the same amount of new stock.

22. *Power for majority of joint holders to dissent or assent.*—Where any new three per cent. stock consolidated three per cent. stock, or reduced three per cent. stock is standing in the names of more than two persons as joint holders thereof, the assent of the majority of those joint holders shall be sufficient for the purposes of this Act.

25. *Application to new stock of trusts, powers, &c., affecting old stock.*—(1.) Where any stock is converted into or exchanged for new stock, the new stock, and the dividends thereon, shall be subject to the same trusts, charges, rights, distinctions, and restraints as affect the stock so converted or exchanged, and the dividends thereon respectively, and all powers of attorney, requests as to dividends and other documents relating to the stock so converted or exchanged, and the dividends thereon, or either of them, shall apply to the new stock, and the dividends thereon respectively.

(2.) In any Act passed or instrument executed before the passing of this Act references to any stock liable to be converted or exchanged in pursuance of this Act may, if the stock is so converted or exchanged, be construed as references to new stock, and in the case of any testamentary instrument executed before the passing of this Act, any disposition which, but for the passing of this Act, would have operated as a specific bequest of any such stock, shall if the same is so converted or exchanged be construed as a specific bequest of such new stock, and if the same is not so converted but is paid off or redeemed shall be construed as a pecuniary legacy of a sum of money equal to the nominal amount of the stock so paid off or redeemed.

26. *Indemnity to trustees and others.*—Persons who are by this Act, or by rules under this Act,

authorised to signify their dissent from the conversion of stock, or to exchange or consent to the exchange of stock, shall not be liable for any loss resulting from their not signifying such dissent or from their making such exchange or giving such consent; and trustees and other persons acting in a fiduciary character are hereby expressly authorised to make such exchange or give such consent.

27. *Re-investment by trustee.*—When any stock converted or exchanged by virtue of this Act into new stock, is held by a trustee, such trustee shall be at liberty to sell the same, and to invest the proceeds arising from such sale in any of the securities for the time being authorised for the investment of cash under the control of the High Court, notwithstanding anything to the contrary. This section shall, in its application to Scotland, be construed as authorising trustees to invest in any of the securities in which trustees may, without the approval of the Court of Session, invest under the Trusts (Scotland) Amendment Act, 1884 [47 & 48 Vict. c. 63].

28. *Application to court in respect of questions arising out of conversion or exchange.*—(1.) If by reason of the conversion or exchange of any stock in pursuance of this Act any question arises as to the powers or duties of any trustee, executor, or administrator, or other person acting in a fiduciary character, or as to the application of the dividends or capital of any stock, and in particular as to the cases in which, and extent to which capital may be applied towards meeting any deficiency in income, the High Court in England or Ireland, or the Court of Session in Scotland, on the application of the trustee, executor, or administrator, or other person as aforesaid, or of any person interested in the stock, may by order determine the question.

(2.) In the case of a charity in England or Wales, subject to the provisions of the Charitable Trusts Acts, 1853 to 1887, the like orders may be made by the Charity Commissioners for England and Wales, either on their own motion or on application, and nothing in this section shall authorise an application to the High Court in the matter of such a charity without a certificate from those commissioners.

CHAPTER 5.

[Removal of Wrecks Act, 1877, Amendment Act, 1889.]

An Act to amend the Removal of Wrecks Act, 1877. [31st May 1889.]

Whereas it is expedient to amend the Removal of Wrecks Act, 1877:

Be it therefore enacted, &c.:

1. *Short title.*—This Act may be cited as the Removal of Wrecks Act, 1877, Amendment Act, 1889.

2. *Definition of "the principal Act."*—In this Act the term "the principal Act" shall mean the Removal of Wrecks Act, 1877.

3. *Interpretation of "lifeboat service."*—In this Act—

The term "lifeboat service" means the saving or attempted saving of vessels or of life or property on board vessels wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

4. *Amendment of ss. 4, 5 of principal Act.*—The fourth and fifth sections of the principal Act shall be read as if the words "or to lifeboats engaged in lifeboat service" were inserted after the word "navigation" in each of the said sections respectively. Provided that in case of obstruction or danger to lifeboats no expenditure shall be incurred by a general lighthouse authority except with the previous sanction of the Board of Trade.

5. *Amendment of s. 5 of principal Act.*—The fifth section of the principal Act shall be read as if the words "or on or near any rock, shoal, or bank" were inserted after the word "seashore" in the said section.

6. *Construction of Act.*—The principal Act and this Act shall be read and construed together as one Act, and may be cited together for all purposes as the Removal of Wrecks Acts, 1877 and 1889.

CHAPTER 6.

[National Debt Act, 1889.]

An Act to amend the Law relating to the National Debt. [31st May 1889.]

Be it enacted, &c.:

1. *Amount of permanent annual charge for National Debt.*—The amount of the permanent annual charge for the National Debt during the current and every subsequent financial year shall be the sum of twenty-five million pounds, and "twenty-five" shall be substituted for "twenty-six" in section 1 of the Sinking Fund Act, 1875 [38 & 39 Vict. c. 43], as amended by section two of the National Debt and Local Loans Act, 1887 [50 & 51 Vict. c. 16].

2. *Power to exchange Two and Three-quarters Per Cent. Stock created under 47 & 48 Vict. c. 23.*—Any holder of Two and Three-quarters Per Cent. Stock created under the National Debt (Conversion of Stock) Act, 1884, may, by assent signified in the prescribed manner, exchange his said stock for an equal nominal amount of Two and Three-quarters Per Cent. Consolidated Stock created in pursuance of the National Debt (Conversion) Act, 1888, or the National Debt Redemption Act, 1889, and thereupon the same provisions shall apply as if the exchange had been effected in pursuance of either of those Acts.

3. *Provision as to stock in court and stock belonging to savings bank depositors.*—Whereas by section twelve of the National Debt Redemption Act, 1889, the Treasury have power to make regulations with respect to the interest on money payable on redemption of stock in court and of stock invested on behalf of depositors in Trustee or Post Office savings banks, and by reason of the difficulty of communicating with the persons interested in such stock it is expedient to make further provision with respect to the money payable on redemption thereof; be it therefore enacted as follows:—

(1.) The consent required under the said section may be given in the case of stock in court by the Lord Chancellor, and in the case of stock invested on behalf of depositors as aforesaid by the Commissioners for the Reduction of the National Debt, unless, in either case, the person to whom the dividends on the stock are for the time being payable signifies dissent in the manner and within the time required by the regulations.

(2.) The provision contained in section 3, subsection (1) (b), of the Savings Bank Act, 1880 [43 & 44 Vict. c. 36], shall not apply in the case of the re-investment of money payable on redemption of any stock invested on behalf of depositors as aforesaid, and no commission shall be charged on any such re-investment.

(3.) Where any money payable on redemption of any stock to which this section applies, remains on the fifth day of April one thousand eight hundred and ninety credited in the books of the Paymaster-General or of the Commissioners for the Reduction of the National Debt, that money shall as from that day bear interest at the rate of two and three-quarters per centum per annum, payable at such times as the Treasury by regulations direct out of the Consolidated Fund as part of the permanent annual charge for the National Debt.

(4.) This section shall be construed and have effect as part of the National Debt Redemption Act, 1889 [52 & 53 Vict. c. 4].

4. *Amendment of law as to payment of dividends on stock.*—(1.) The Banks of England and Ireland respectively may from time to time, with the concurrence of the Treasury, make regulations for the payment of dividends on stock either by sending warrants through the post, or by payment through a banker, or by payment at a country branch.

(2.) Where a dividend warrant is sent by post in accordance with any such regulations, the posting of the letter containing the warrant, addressed in the manner prescribed by the regulations, shall, as respects the liability of the Bank, be equivalent to the delivery of the warrant to the stockholder.

(3.) Any arrangements made before the passing

of this Act for the payment of dividends by warrants sent through the post shall continue, unless and until altered by regulations made after the passing of this Act in pursuance of this section.

(4.) Where two or more persons are registered as joint holders of stock, any one of those persons may give an effectual receipt for any dividend on the stock unless notice to the contrary has been given to the bank by any other of the holders.

(5.) Where two or more persons have given a letter or power of attorney for the receipt of dividends on stock, and one of them becomes of unsound mind, the letter or power shall not thereby be made void.

(6.) This section shall apply to all stock of any company or corporation, funds, or annuities, transferable in the books of the Bank of England or of Ireland.

(7.) This section shall be construed and have effect as part of the National Debt Act, 1870 [33 & 34 Vict. c. 71].

5. *Amendment of law as to signature of Exchequer and Treasury bills.* After the passing of this Act, Exchequer bills, Exchequer bonds, and Treasury bills shall bear the name of one of the secretaries for the time being to the Treasury, and that name may be impressed or affixed by machinery or otherwise in such manner as the Commissioners of Her Majesty's Treasury from time to time direct by regulations to be laid before both Houses of Parliament.

6. *Repeal.* The Acts specified in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule, without prejudice to anything done or liability incurred under any enactment hereby repealed.

7. *Short title.* This Act may be cited as the National Debt Act, 1889.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
29 & 30 Vict. c. 25	The Exchequer Bills and Bonds Act, 1866	Section three, in part, namely:— The words "and every such Exchequer bill shall be signed by the Comptroller General and Auditor General in his own name," and the words "but no such Exchequer bills shall be signed by them and put into circulation until notice of their authority to sign Exchequer bills under this Act shall have been duly notified in the London Gazette."
33 & 34 Vict. c. 71	The National Debt Act, 1870	Sections twenty and twenty-one.
40 & 41 Vict. c. 2	The Treasury Bills Act, 1877	Section eight, in part, namely:— The words "each Treasury bill shall be signed by the said Comptroller and Auditor General in his own name."

CHAPTER 7.

[Customs and Inland Revenue Act, 1889.]

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. [31st May 1889.]

1. *Short title.* This Act may be cited as the Customs and Inland Revenue Act, 1889.

PART I.

CUSTOMS AND EXCISE.

- Import duties on tea.
- Increase of duty in respect of beer.
- Alteration of duty on a vinegar maker's licence.

PART II.

STAMPS.

Estate Duty.

5. *Estate duty on personal property passing by will or on intestacy.* (1.) Where, in the case of any person applying for probate or letters of administration granted in England or Ireland on or after the first day of June one thousand eight hundred and eighty-nine, or in the case of any person exhibiting an inventory in Scotland on or after that day, the value of the estate and effects in respect whereof duty is charged on the affidavit or inventory by section twenty-seven of the Customs and Inland Revenue Act, 1881, exceeds ten thousand pounds, he shall together with such affidavit or inventory deliver a statement of the value of such estate and effects. The statement shall be transmitted with the affidavit or inventory to the Commissioners of Inland Revenue by the proper officer of the High Court of Justice in England or Ireland, or of the proper court in Scotland, and the certificate required under section thirty of the said Act shall extend to, and include the fact of the delivery of the statement.

(2.) Where the value of the personal or moveable property included in an Account delivered according to section thirty-eight of the Customs and Inland Revenue Act, 1881, on or after the first day of June one thousand eight hundred and eighty-nine, exceeds ten thousand pounds, the persons delivering the Account shall also deliver together therewith a statement of the value of such property.

(3.) Where pursuant to the provisions of section thirty-two of the Customs and Inland Revenue Act, 1881, a further affidavit is required to be delivered by any person, and where any person intromitting with, or entering upon the possession or management of, any personal or moveable estate or effects in Scotland of any person dying, is required by law to exhibit an additional inventory, the following provisions shall apply:

(a.) If the value of the estate and effects in respect whereof duty was charged on the former affidavit or inventory under section twenty-seven of the Customs and Inland Revenue Act, 1881, exceeded ten thousand pounds, the person delivering the further affidavit or exhibiting the additional inventory shall deliver together therewith a statement of the value of the estate and effects included therein or of the increase of value of the estate and effects included in the former affidavit or inventory, as the case may be:

(b.) If the value of the estate and effects in respect whereof duty has been charged under the Customs and Inland Revenue Act, 1881, did not exceed ten thousand pounds, and such value together with the value of the estate and effects included in the further affidavit or additional inventory delivered or exhibited or the increased value, as the case may be, exceeds ten thousand pounds, such person delivering the further affidavit or exhibiting the additional inventory shall deliver together therewith a statement of the value of the estate and effects included therein, and in the former affidavit or inventory, or of the value as increased of the estate and effects included in the former affidavit or inventory, as the case may be.

(4.) There shall be charged and paid on every statement to be delivered in conformity with this section a duty of one pound for every full sum of one hundred pounds, and for any fraction of one hundred pounds over any multiple of one hundred pounds of the value of the estate and effects or of the personal or moveable property, as the case may be.

(5.) The duties respectively imposed by this section are to be in addition to the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England or Ireland, and on the inventory exhibited and recorded in Scotland, and in addition to the stamp duties charged on such Accounts of personal and moveable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], as amended by this Act, but are not to be deemed "probate duties" within the meaning assigned to that expression by section twenty-one of the Local Government Act, 1888 [51 & 52 Vict. c. 41], or by section five of the Probate Duties (Scotland and Ireland) Act, 1888 [51 & 52 Vict. c. 60].

(6.) The provisions contained in section thirty-one of the Customs and Inland Revenue Act, 1881, for the return of stamp duty overpaid, shall apply to the return of duty overpaid on any statement delivered under this section, and in Scotland a return of duty overpaid on any statement so delivered shall be made in like manner as a return is now made of stamp duty overpaid on an additional inventory.

(7.) Where a further affidavit or additional inventory is delivered or exhibited of any estate or effects of a deceased person after a former affidavit or inventory of the estate and effects of the same person has been delivered or exhibited and recorded prior to the first day of June one thousand eight hundred and eighty-nine, it shall not be necessary to deliver any statement of the value of the estate and effects of such person under this section.

6. *Estate duty on successions.* (1.) Where the value of any succession upon the death of any person dying on or after the first day of June one thousand eight hundred and eighty-nine chargeable with duty under the Succession Duty Act, 1853 [16 & 17 Vict. c. 51], and the Customs and Inland Revenue Act, 1888, exceeds ten thousand pounds, and where the value of any succession to real property under the will or intestacy of any person so dying chargeable with duty under the said Act does not exceed ten thousand pounds, but such value together with the value of any other benefit taken by the successor under such will or intestacy exceeds ten thousand pounds, a separate statement of the value of the succession shall be delivered to the Commissioners of Inland Revenue, together with the account to be delivered under section forty-five of the said Act.

(2.) There shall be charged and paid on every statement to be delivered in conformity with this section, in respect of the value of the succession, a duty of one pound for every full sum of one hundred pounds, and for any fraction of one hundred pounds over any multiple of one hundred pounds of such value.

(3.) The duty imposed by this section shall not be payable upon the value of leaseholds passing by will or devolution by law or of property included in an Account delivered according to section thirty-eight of the Customs and Inland Revenue Act, 1881, as amended by this Act, in respect of which value duty has been paid under the last preceding section.

(4.) The duty imposed by this section is to be in addition to any duties chargeable under the Succession Duty Act, 1853, and section twenty-one of the Customs and Inland Revenue Act, 1888 [51 & 52 Vict. c. 8], and shall, subject to the provisions of this Act, be assessed and paid in like manner as succession duty, and be subject to the enactments relating to that duty, so far as the same are applicable.

(5.) The value upon which the duty imposed by this section in respect of a succession to real property is to be charged and assessed shall be ascertained in accordance with the Succession Duty Act, 1853, subject to the following provisions:

(a.) In the case of a successor who is entitled to the real property comprised in his succession for an estate in fee simple, or in fee according to the custom of any manor, or for lives

renewable under any custom or under any lease for lives, or for any estate in tail, or under an entail under which he can acquire the property in fee simple without consent of any person, or is entitled to any such property for life, and competent to dispose as he shall think fit of a continuing interest therein, the value shall be the principal value of such property based upon the annual value estimated after making such allowances (if any) as ought to be made under the said Act. The duty payable in respect of such principal value shall not in any case exceed the amount which would be chargeable upon an annuity equal to such annual value according to the highest value in Table III. in the Schedule of the Succession Duty Act, 1853:

(b.) In the case of an increase of benefit accruing to a successor, and chargeable to succession duty by reference to sections five, twenty, or twenty-five of the Succession Duty Act, 1853, where the value of the succession, apart from the increase of benefit, shall exceed ten thousand pounds, such increase of benefit shall be chargeable with duty under this section, whatever may be the value thereof: and where the value of the succession, apart from the increase of benefit, shall not exceed ten thousand pounds, the value of such increase of benefit, as well as of every preceding increase of benefit, shall be added to the value of the succession for the purpose of the said duty.

(6.) The duty imposed by this section shall in the case of real property be a first charge thereon, or on the interest of the successor therein, according as the duty is or is not chargeable on the principal value of such property, and shall be paid in like manner as if the duty were a part of the succession duty payable under section twenty-two of the Customs and Inland Revenue Act, 1888 [51 & 52 Vict. c. 8] and together with the payments in respect of that duty.

7. *Duration of charge of estate duty.* The duties hereinbefore imposed by this part of this Act shall not be payable in respect of the value of the estate and effects of any person dying on or after the first day of June one thousand eight hundred and ninety-six, or of the value of any personal or moveable property included in an Account by relation to the death of any person so dying, or in respect of the value of any succession upon the death of any person so dying, and statements of such values shall not be required.

8. *Double duty or interest payable in case of default.* (1.) If any person who ought to deliver a statement as required by this part of this Act shall neglect to do so, he shall be liable to pay to Her Majesty double the amount of duty chargeable, and the same shall be a debt due from him to the Crown, and be recoverable by any of the ways or means now in force for the recovery of probate, legacy, or succession duties.

(2.) In any case in which any duty hereinbefore imposed by this part of this Act shall be in arrear, the person by whom the arrears of duty may be payable shall be liable to pay interest thereon at the rate of four pounds per centum per annum, and such interest shall be recoverable by the Commissioners of Inland Revenue in the same manner as the arrears of duty and as part thereof: Provided always, that the acceptance or recovery by the said Commissioners of arrears of duty, with interest thereon as aforesaid, shall be an absolute waiver of the penalties (if any) which may have been incurred.

9. *The duties to be stamp duties.* (1.) The duties hereinbefore imposed by this part of this Act shall be stamp duties, and shall be under the care and management of the Commissioners of Inland Revenue, who by themselves and their officers shall have the same powers and authorities for the collection, recovery, and management thereof as are vested in them for the collection, recovery, and management of any stamp duties, and shall have all other powers and authorities requisite for carrying this part of this Act into execution.

(2.) The statements required to be delivered under this part of this Act shall be in such form as may be prescribed by the Commissioners of Inland Revenue, who shall provide forms accordingly, and

the duty on the statement shall be denoted in such manner as the Commissioners may think proper.

Amendments of Law as to Succession Duties and Duties on Accounts.

10. *Amendments of the law as to succession duty.*

(1.) The allowance under section thirty-eight of the Succession Duty Act, 1853, to a successor upon taking a succession upon the death of any person dying on or after the first day of June one thousand eight hundred and eighty-nine, shall only be made in respect of the value of property which the successor may have acquired by any title not conferring a succession on him, and which passes from the successor to some other person.

(2.) Subject to the relief given by section eighteen of the Succession Duty Act, 1853, in respect of property not amounting in money or principal value to the sum of one hundred pounds, the duties charged under the said Act, and section twenty-one of the Customs and Inland Revenue Act, 1888, shall be payable upon a succession upon the death of any person dying on or after the first day of June one thousand eight hundred and eighty-nine, although the value thereof shall be less than twenty pounds.

(3.) The Commissioners of Inland Revenue, if dissatisfied with the account and estimate originally delivered in conformity with section forty-five of the Succession Duty Act, 1853, may, subject to appeal as therein provided, assess the duty on the footing of such account and upon such estimate as they may place thereon, or proceed according to the directions of that section.

11. *Amendment of 44 & 45 Vict. c. 12, s. 38.* (1.) Sub-section two of section thirty-eight of the Customs and Inland Revenue Act, 1881, is hereby amended, as follows:—

The description of property marked (a) shall be read as if the word "twelve" were substituted for the word "three" therein, and the said description of property shall include property taken under any gift, whenever made, of which property bona fide possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained, to the entire exclusion of the donor, or of any benefit to him by contract or otherwise:

The description of property marked (b) shall be construed as if the expression "to be transferred to or vested in himself and any other person" included also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone, or in concert, or by arrangement, with any other person:

The description of property marked (c) shall be construed as if the expression "voluntary settlement" included any trust, whether expressed in writing or otherwise, in favour of a volunteer, and, if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, and as if the expression "such property," wherever the same occurs, included the proceeds of sale thereof:

The charge under the said section shall extend to money received under a policy of assurance effected by any person dying on or after the first day of June one thousand eight hundred and eighty-nine, on his life, where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit.

(2.) A return of stamp duty shall not be made under sub-section three of the said section thirty-eight by reason of, or in relation to, any account delivered on or after the first day of June one thousand eight hundred and eighty-nine.

Limitation of Claims to Succession Duty or Legacy Duty in certain Cases.

12. *Purchasers and mortgagees exempted from*

liability to succession duty after a specified period. (1.) Notwithstanding the forty-second section of the Succession Duty Act, 1853, or any other provision contained in that Act, real property, or any estate or interest therein, shall not, as against a purchaser for valuable consideration, or a mortgagee, remain charged with or liable to payment of any sum for succession duty or duty hereinbefore imposed by this part of this Act, after the expiration of six years from the date of notice to the Commissioners of Inland Revenue of the fact that the successor, or any person in his right or on his behalf, has become entitled in possession to his succession or to the receipt of the income and profits thereof, or from the date of the first payment by such successor or person of any instalment or part of the duty, in case the successor shall not have availed himself of the option given to him by section twenty-two of the Customs and Inland Revenue Act, 1888, or after two years from the time for the payment by such successor of the last instalment or part of the duty, if he has availed himself of such option; or, in the absence of any such notice or payment, after the expiration of twelve years from the happening of the event (whether before or after the passing of this Act) which gave rise to an immediate claim to such duty, or if such period of twelve years expires within six years from the date of the passing of this Act, then after the expiration of six years from the last-mentioned date.

(2.) The duty (if any) unpaid at the expiration of such period of six years, or of twelve years or six years as the case may be, shall be payable and paid by the successor or the persons mentioned as accountable in section forty-four of the said Act, other than the purchaser or mortgagee, and shall become charged substitutively upon any other estate or interest comprised in the succession of the successor remaining vested in him, or in any person in his right or on his behalf, other than the purchaser or mortgagee, and in case of a mortgage upon the equity of redemption.

(3.) This section is not to lessen or affect any liability of any successor or accountable person, other than the purchaser or mortgagee, to payment of duty, whether out of money received on any sale or mortgage, or otherwise; but a purchaser or mortgagee shall not, for the purpose of obtaining the exemption conferred by this section, be bound to see that the duty is discharged out of the money or other consideration paid or given as the consideration for the sale of mortgage.

13. *Power to deposit copies of documents and liability to duty to cease after specified period.* (1.) Any person may cause an attested copy (which shall be exempt from stamp duty) of any document which creates a liability for payment of any succession duty, or duty hereinbefore imposed by this part of this Act, other than a testamentary document admitted to probate, to be deposited with the Commissioners of Inland Revenue at their principal office in London, Edinburgh, or Dublin, as the case may require, and such copy shall be received at that office.

(2.) The officer of the Commissioners receiving the copy shall, on request of the person making the deposit, and either by indorsement on the original document or otherwise, give a receipt in writing under his hand for the copy.

(3.) After a receipt has been given by an officer for a copy of a document under this section, no person shall be liable for payment of any duty under such document after the expiration of six years from the date of notice to the Commissioners of the fact which gives rise to an immediate claim to such duty.

(4.) The costs of depositing a copy of a document and obtaining a receipt under this section shall be deemed costs duly incurred by a trustee, executor, or administrator, or any other person in the execution of his duties as trustee, executor, or administrator, or otherwise, under the document.

14. *Liability to duty under documents admitted to probate to cease after a specified period.* No person shall, under a testamentary document admitted to probate, or under letters of administration, or under a confirmation, be liable for payment of any legacy duty or succession duty, or duty hereinbefore imposed by this part of this Act, after the expiration of six years from the date of the settlement of the account in respect of which the duty

is payable, where such account was in all respects a full and true account and contained all the facts material to be known by the Commissioners of Inland Revenue for the ascertainment of the rate and amount of duty; and no trustee, executor, or administrator shall, after the expiration of such six years, be liable to such duty if it is proved to the satisfaction of the Commissioners that the account rendered was correct to the best of his knowledge, information, and belief.

15. *As to notices under this part of this Act.* Every notice referred to in this part of this Act shall be in writing and in such form as the Commissioners of Inland Revenue shall prescribe, and shall be delivered or sent in duplicate, and an acknowledgment of the receipt thereof, by or on behalf of the Commissioners, upon the duplicate shall be forthwith returned to the person by whom the notice was delivered or sent.

Miscellaneous.

16. *Construction of section 11 of 51 & 52 Vict. c. 8.* Whereas doubts have arisen as to the construction of the expression "amount of nominal capital to be raised by shares of any company to be registered with limited liability" in section 11 of the Customs and Inland Revenue Act, 1888, be it enacted that such expression shall be construed as meaning and including the entire amount which is to form the nominal share capital of the company.

17. *Charge of duty on capital of companies with limited liability otherwise than under the Companies Acts.* (1.) Where by virtue of any letters patent to be hereafter granted by Her Majesty, her heirs or successors, or any Act of Parliament to be hereafter passed, the liability of the holders of shares in the capital of any corporation or company is limited otherwise than by registration with limited liability under the law in that behalf, a statement of the amount of nominal share capital of the corporation or company shall be delivered by the corporation or company to the Commissioners of Inland Revenue within one calendar month after the date of the letters patent or the passing of the Act, and in case of any increase of the amount of nominal share capital of any corporation or company, whether now existing or to be hereafter formed, being authorized by any letters patent or Act of Parliament to be hereafter granted or passed, a statement of the amount of such increase shall be delivered by the corporation or company to the said Commissioners within the like period.

(2.) The statement shall be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the amount of such capital or increase of capital as the case may be, and shall be duly stamped accordingly when the same is delivered to the said Commissioners.

(3.) In the case of neglect to deliver such a statement as is hereby required to be delivered, the corporation or company shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable, and a like penalty for every month after the first month during which such neglect shall continue.

18. *Certain contracts to be chargeable as conveyances on sale.* (1.) Every instrument containing a contract, whether executed or executory, for the sale or purchase of any property, save such as passes by delivery, or must be conveyed by deed, shall, so far as relates to stamp duty thereon, be deemed to be a conveyance on sale of such property; provided that the ad valorem duty paid upon any instrument in respect of any executory contract shall be returned by the Commissioners of Inland Revenue, if, within twelve months from the date of the first execution of the instrument, the executory contract shall have been rescinded, or shall have become null and void by reason of any notice given according to the terms of the instrument, or the default of any party thereto to perform any condition precedent specified in the instrument, and declared to be essential to the completion of the contract.

(2.) Any instrument made subsequently to the instrument containing the contract for the purpose of vesting in the purchaser the property contracted to be sold shall not be charged with any higher duty than ten shillings.

PART III. INCOME TAX.

19. *Grant of duties of income tax.* There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and eighty-nine, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say.)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of sixpence. And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—
In England, the duty of threepence;
In Scotland and Ireland respectively, the duty of twopence farthing.

20. *Application of provisions of Income Tax Acts.* All such provisions contained in any Act relating to income tax as were in force on the fifth day of April, one thousand eight hundred and eighty-nine, shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act.

21. *Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1889-90.* With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.) in respect of property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67], and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing, as respects England, on the sixth day of April, and, as respects Scotland, on the twenty-fourth day of May, one thousand eight hundred and eighty-nine, the following provisions shall have effect:

(a.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and, in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties, there shall be paid a poundage of three half-pence to the collectors thereof:

(b.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April, one thousand eight hundred and eighty-eight, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year as respects England, and as respects Scotland for the year which commenced on the twenty-fifth day of May, one thousand eight hundred and eighty-eight, shall be taken as the annual value of such property, or of such inhabited house, for the assessment and charge thereon of the duties of income tax hereby granted or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively:

(c.) The Commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same.

22. *Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.* In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April, one thousand eight hundred and ninety, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April, one thousand eight hundred and ninety, shall have full force and effect with respect to the duties of income tax which may be so granted in

the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day.

CHAPTER 8.

[*Naval Defence Act, 1889.*]

An Act to make further provision for Naval Defence and defray the Expenses thereof.

[31st May 1889.]

CHAPTER 9.

[*Public Libraries Acts Amendment Act, 1889.*]

An Act to amend the Public Libraries Act, 1855.

[31st May 1889.]

Be it enacted, &c.:

1. *Repeal of 18 & 19 Vict. c. 70, s. 13, and provisions in lieu thereof.* Section 13 of the Public Libraries Act, 1855, shall be repealed, and in place thereof the following provisions shall have effect.

The expenses of calling and holding the meeting of the ratepayers, whether the Public Libraries Act shall be adopted or not, and the expenses of carrying those Acts into execution in any parish, to such amount as shall be from time to time sanctioned by the vestry, shall be paid out of a rate to be raised with and as part of the poor rate; provided that every person assessed to such rate in respect of lands used as arable, meadow, or pasture ground only, or as woodlands or market gardens, or nursery grounds, shall be entitled to an allowance of two-thirds of the sum assessed upon him in respect of such lands for such expenses; the vestry to be called for the purpose of sanctioning the amount shall be convened in the manner usual in the parish; and the amount for the time being proposed to be raised for such expenses shall be expressed in the notice convening the vestry, and shall be paid according to the order of the vestry, to such persons as shall be appointed by the Commissioners to receive the same: Provided also, that in the notices requiring the payment of the rate there shall be stated the proportion which the amount to be thereby raised for the purposes of the said Acts shall bear to the total amount of the rate.

2. *Proviso as to rate made before passing of Act.* Nothing in this Act shall be deemed to invalidate any rate made prior to the passing thereof, and any expenses to which section thirteen of the Public Libraries Act, 1855, applied may be paid out of any such rate as if this Act had not passed.

3. *Joint library for several parishes.* It shall be lawful for the Commissioners separately appointed under the Public Libraries (England) Acts, 1855 to 1887, for any two or more adjoining parishes, with the consent of the vestries of such parishes, from time to time to agree to share in such proportions and for such period as may be determined by the agreement, the cost of the purchase, erection, repair, and maintenance of any library building situate in one of such parishes, and also the cost of the purchase of books, periodicals, and newspapers for such library, and all other expenses connected with the same; and the inhabitants of both or all the said parishes, as the case may be, shall be entitled to use the said library so long as the agreement shall continue in force.

And any such agreement may provide that upon its termination an adjustment shall be made of the interests of the several Commissioners in the library, building, books, and other property to which they have contributed, and as to the mode in which such adjustment shall be arrived at.

4. *Short title.* This Act may be cited as the Public Libraries Acts Amendment Act, 1889, and this Act and the Public Libraries (England) Acts, 1855 to 1887, shall be read and construed together as one Act, and may be cited together as the Public Libraries (England) Acts, 1855 to 1889.

CHAPTER 10.

[*Commissioners for Oaths Act, 1889.*]

An Act for amending and consolidating enactments relating to the administration of Oaths.

[31st May 1889.]

Be it enacted, &c.:

1. Appointment and powers of commissioners for oaths.] (1.) The Lord Chancellor may from time to time, by commission signed by him, appoint persons being practising solicitors or other fit and proper persons to be commissioners for oaths, and may revoke any such appointment.

(2.) A commissioner for oaths may, by virtue of his commission, in England or elsewhere, administer any oath or take any affidavit for the purposes of any court or matter in England, including any of the ecclesiastical courts or jurisdictions, matters ecclesiastical, matters relating to applications for notarial faculties, and matters relating to the registration of any instrument, whether under an Act of Parliament or otherwise, and take any bail or recognizance in or for the purpose of any civil proceeding in the Supreme Court, including all proceedings on the revenue side of the Queen's Bench Division.

(3.) Provided that a commissioner for oaths shall not exercise any of the powers given by this section in any proceeding in which he is solicitor to any of the parties to the proceeding, or clerk to any such solicitor, or in which he is interested.

2. Powers of certain officers of court, &c., to administer oaths.] Every person who, being an officer of or performing duties in relation to any court, is for the time being so authorised by a judge of the court, or by or in pursuance of any rules or orders regulating the procedure of the court, and every person directed to take an examination in any cause or matter in the Supreme Court, shall have authority to administer any oath or take any affidavit required for any purpose connected with his duties.

3. Taking of oaths out of England.] (1.) Any oath or affidavit required for the purpose of any court or matter in England, or for the purpose of the registration of any instrument in any part of the United Kingdom, may be taken or made in any place out of England before any person having authority to administer an oath in that place.

(2.) In the case of a person having such authority otherwise than by the law of a foreign country, judicial and official notice shall be taken of his seal or signature affixed, impressed, or subscribed to or on any such oath or affidavit.

4. Appointment of persons to administer oaths for prize proceedings.] The Lord Chancellor may, whenever it appears to him necessary to do so, authorise any person to administer oaths and take affidavits for any purpose relating to prize proceedings in the Supreme Court, whilst that person is on the high seas or out of Her Majesty's dominions, and it shall not be necessary to affix

any stamp to the document by which he is so authorised.

5. Jurat to state where and when oath is taken.] Every commissioner before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

6. Powers as to oaths and notarial acts abroad.] (1.) Every British ambassador, envoy, minister, charge d'affaires, and secretary of embassy or legation exercising his functions in any foreign country, and every British consul-general, consul, vice-consul, acting consul, pro-consul, and consular agent exercising his functions in any foreign place may, in that country or place, administer any oath and take any affidavit, and also do any notarial act which any notary public can do within the United Kingdom; and every oath, affidavit, and notarial act administered, sworn, or done by or before any such person shall be as effectual as if duly administered, sworn, or done by or before any lawful authority in any part of the United Kingdom.

(2.) Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken, or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

7. Perjury.] Whoever wilfully and corruptly swears falsely in any oath or affidavit taken or made in accordance with the provisions of this Act, shall be guilty of perjury in every case where if he had so sworn in a judicial proceeding before a court of competent jurisdiction he would be guilty of perjury.

8. Forgery.] Whoever forges, counterfeits, or fraudulently alters the seal or signature of any person authorised by or under this Act to administer an oath, or tenders in evidence, or otherwise uses, any affidavit having any seal or signature so forged or counterfeited or fraudulently altered, knowing the same to be forged, counterfeited, or fraudulently altered, shall be guilty of felony, and liable on conviction to penal servitude for any term not exceeding seven years and not less than five years, or to imprisonment with or without hard labour for any term not exceeding two years.

9. Trial of offences.] Any offence under this Act, whether committed within or without Her

Majesty's dominions, may be inquired of, dealt with, tried, and punished in any county or place in the United Kingdom in which the person charged with the offence was apprehended or is in custody, and for all purposes incidental to or consequential on the trial or punishment the offence shall be deemed to have been committed in that county or place.

10. Impounding of documents.] Where any offence under this Act is alleged to have been committed with respect to any affidavit, a judge of any court before which the affidavit is produced may order the affidavit to be impounded and kept in such custody and for such time and on such conditions as he thinks fit.

11. Definitions.] In this Act, unless the context otherwise requires,—

"Oath" includes affirmation and declaration:

"Affidavit" includes affirmation, statutory or other declaration, acknowledgment, examination, and attestation or protestation of honour:

"Swear" includes affirm, declare, and protest:

"Supreme Court" means the Supreme Court of Judicature in England.

12. Repeal.] The enactments specified in the schedule to this Act are hereby repealed to the extent specified in that schedule.

Provided that this repeal shall not affect—

(a.) anything done or suffered under any enactment repealed by this Act; nor

(b.) any appointment made under or authority given by or in pursuance of any enactment so repealed; nor

(c.) any punishment incurred or to be incurred in respect of any offence committed before the commencement of this Act against any enactment so repealed; nor

(d.) any legal proceeding for enforcing any such punishment:

and any such legal proceeding may be instituted or continued and any such punishment may be imposed as if this Act had not been passed.

13. Commissions issued before commencement of Act.] A commissioner authorised before the commencement of this Act to administer oaths in the Supreme Court shall be deemed to be a commissioner for oaths within the meaning of this Act.

14. Commencement.] This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety.

15. Short title.] This Act may be cited as the Commissioners for Oaths Act, 1889.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, sections, or other parts, first and last mentioned, or otherwise referred to as forming the beginning, or as forming the end respectively, of the portion comprised in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
16 & 17 Chas. 2, c. 9 . . .	An Act to empower the Chancellor of the duchy to grant commissions for taking affidavits within the duchy liberty.	The whole Act.
17 Geo. 2, c. 7 . . .	An Act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of Lancaster.	The whole Act.
4 Geo. 3, c. 21 . . .	An Act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of Durham.	The whole Act.
6 Geo. 4, c. 87 . . .	An Act to regulate the payment of salaries and allowances to British consuls at foreign ports, and the disbursements at such ports for certain public purposes.	Section twenty.
3 & 4 Will. 4, c. 42 . . .	An Act for the further amendment of the law and the better advancement of justice.	Section forty-two.
4 & 5 Will. 4, c. 42 . . .	An Act to facilitate the taking of affidavits and affirmations in the court of the Vice Warden of the Stannaries of Cornwall.	The whole Act.
2 & 3 Vict. c. 58 . . .	An Act to make further provision for the administration of justice and for improving the practice and proceedings in the courts of the Stannaries of Cornwall.	Section six from "and that any commissioner."
5 & 6 Vict. c. 103 . . .	An Act for abolishing certain offices of the High Court of Chancery in England . . .	Sections seven and eight.
6 & 7 Vict. c. 82 . . .	An Act the title of which begins with the words "An Act for extending," and ends with the words "examination of witnesses."	Sections one to four.
11 & 12 Vict. c. 10 . . .	An Act for empowering certain officers of the High Court of Chancery to administer oaths and take declarations and affirmations.	The whole Act.
15 & 16 Vict. c. 76 . . .	The Common Law Procedure Act, 1852 . . .	Section twenty-three.
15 & 16 Vict. c. 86 . . .	An Act to amend the practice and course of proceeding in the High Court of Chancery.	Sections twenty-two, twenty-three and twenty-four.
16 & 17 Vict. c. 70 . . .	The Lunacy Regulation Act, 1853 . . .	Section fifty-seven.

Session and Chapter.	Title.	Extent of Repeal.
16 & 17 Vict. c. 78 . . .	An Act relating to the appointment of persons to administer oaths in Chancery, and to affidavits made for purposes connected with registration.	The whole Act.
17 & 18 Vict. c. 78 . . .	The Admiralty Court Act, 1854	Section six from "and any examiner" to the end of the section. Sections seven to eleven. The whole Act.
18 & 19 Vict. c. 42 . . .	An Act to enable British diplomatic and consular agents abroad to administer oaths and do notarial acts.	Section fifteen.
18 & 19 Vict. c. 134 . . .	An Act the title of which begins with the words "An Act to make further provision," and ends with the words "leasing and sale thereof."	Section twenty-seven to "Provided that" and from "and any person who" to end of section.
20 & 21 Vict. c. 77 . . .	An Act to amend the law relating to probates and letters of administration in England.	Sections thirty to thirty-four.
21 & 22 Vict. c. 95 . . .	An Act to amend the Act of the twentieth and twenty-first Victoria, chapter seventy-seven.	Sections twenty to twenty-three.
21 & 22 Vict. c. 108 . . .	An Act to amend the Act of the twentieth and twenty-first Victoria, chapter eighty-five.	The whole Act except section five.
22 Vict. c. 16	An Act the title of which begins with the words "An Act to enable," and ends with the words "of the Exchequer."	Sections eighteen, nineteen, forty-three, and forty-four.
28 & 29 Vict. c. 104 . . .	The Crown Suits, &c., Act, 1865	The whole Act.
32 & 33 Vict. c. 38 . . .	The Bills Act, 1869	The whole Act.
40 & 41 Vict. c. 25 . . .	The Solicitors Act, 1877	Section eighteen.

CHAPTER 11.

[Sale of Horseflesh, &c. Regulation Act,
1889.]

An Act to regulate the Sale of Horseflesh for Human Food. [24th June 1889.]

Whereas it is desirable to make regulations with respect to the sale of horseflesh for human food:

Be it therefore enacted, &c.:—

1. *Signs on horseflesh shops.*] No person shall sell, offer, expose, or keep for sale any horseflesh for human food, elsewhere than in a shop, stall, or place over or upon which there shall be at all times painted, posted, or placed in legible characters of not less than four inches in length, and in a conspicuous position, and so as to be visible throughout the whole time, whether by night or day, during which such horseflesh is being offered or exposed for sale, words indicating that horseflesh is sold there.

2. *Horseflesh not to be sold as other meat.*] No person shall supply horseflesh for human food to any purchaser who has asked to be supplied with some meat other than horseflesh, or with some compound article of food which is not ordinarily made of horseflesh.

3. *Power of medical officer of health to inspect meat, &c.*] Any medical officer of health or inspector of nuisances or other officer of a local authority acting on the instructions of such authority or appointed by such authority for the purposes of this Act may at all reasonable times inspect and examine any meat which he has reason to believe to be horseflesh, exposed for sale or deposited for the purpose of sale, or of preparation for sale, and intended for human food, in any place other than such shop, stall, or place as aforesaid, and if such meat appears to him to be horseflesh he may seize and carry away or cause to be seized and carried away the same, in order to have the same dealt with by a justice as herein-after provided.

4. *Power of justice to grant warrant for search.*] On complaint made on oath by a medical officer of health or inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building, or part of a building other than such shop, stall, or place as aforesaid, in which such officer has reason for believing that there is kept or concealed any horseflesh which is intended for sale, or for preparation for sale for human food, contrary to the provisions of this Act; and to search for, seize, and carry away or cause to be seized and carried away any meat that appears to such officer to be such horseflesh, in order to have the same dealt with by a justice as herein-after provided.

Any person who shall obstruct any such officer in the performance of his duty under this Act shall be deemed to have committed an offence under this Act.

5. *Power of justice with reference to disposal of horseflesh.*] If it appears to any justice that any meat seized under the foregoing provisions of this Act is such horseflesh as aforesaid, he may make such order with regard to the disposal thereof as he may think desirable; and the person in whose possession or on whose premises the meat was found shall be deemed to have committed an offence under this Act, unless he proves that such meat was not intended for human food contrary to the provisions of this Act.

6. *Penalty.*] Any person offending against any of the provisions of this Act, for every such offence shall be liable to a penalty not exceeding twenty pounds, to be recovered in a summary manner; and if any horseflesh is proved to have been exposed for sale to the public in any shop, stall, or eating-house other than such shop, stall, or place as in the first section mentioned, without anything to show that it was not intended for sale for human food, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.

7. *Definition of "horseflesh."*] For the purposes of this Act "horseflesh" shall include the flesh of asses and mules, and shall mean horseflesh, cooked or uncooked, alone or accompanied by or mixed with any other substance.

8. *Local authorities for purposes of Act.*] For the purposes of this Act the local authorities shall be, in the City of London and the liberties thereof, the Commissioners of Sewers, and in the other parts of the county of London the vestries and district boards acting in the execution of the Metropolis Local Management Acts, and in other parts of England the urban and rural sanitary authorities, and in Ireland the urban and rural sanitary authorities under the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52].

9. *Application to Scotland.*] In the application of this Act to Scotland the expression "justice" shall include sheriff and sheriff substitute, and the expression "local authority" shall mean any local authority authorised to appoint a public analyst under the Sale of Food and Drugs Act, 1875 [38 & 39 Vict. c. 63], and the procedure for the enforcement of this Act shall be in the manner provided in the thirty-third section of the said Sale of Food and Drugs Act, 1875.

10. *Short title.*] This Act may be cited as the Sale of Horseflesh, &c. Regulation Act, 1889.

11. *Commencement of Act.*] This Act shall come into operation on the twenty-ninth day of September one thousand eight hundred and eighty-nine.

CHAPTER 12.

[Assizes Relief Act, 1889.]

An Act to relieve the Courts of Assize from the Trial of Persons charged with Offences triable at Quarter Sessions. [24th June 1889.]

Be it enacted, &c.:

1. *Trial of persons charged with offences triable at quarter sessions.*] (1.) Whenever any person has been committed to gaol or admitted to bail by a justice or justices of the peace, in pursuance of section twenty-two or section twenty-five of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, charged with an indictable offence triable at quarter sessions, the persons bound over to prosecute and give evidence shall be bound over to attend for that purpose at the next practicable court of quarter sessions having jurisdiction to try such persons for such offence, unless such justice or justices for special reasons think fit otherwise to direct; and where the persons are so bound over, the person charged shall be tried at the said court of quarter sessions, and a court of oyer and terminer or general gaol delivery shall not be required to deliver such person from gaol unless the High Court of Justice shall by order direct that such person shall be indicted and tried at a court of oyer and terminer or general gaol delivery having jurisdiction to try him for such offence.

(2.) If such direction is given by the High Court, the court shall cause to be given to the persons so bound over as aforesaid notice in writing to attend at the court of oyer and terminer or general gaol delivery at the time and place mentioned in the notice, and the recognizance binding over such persons shall have effect as if the court, time, and place mentioned in the notice were substituted for those mentioned in the recognizance.

2. *Notice by justices to gaoler.*] Every justice of the peace by whom a person is committed to gaol to await his trial for any offence triable at quarter sessions shall, by indorsement on the commitment or other notice in writing, inform the governor of such gaol whether the persons bound over to prosecute and give evidence at such trial are bound over to attend at a court of quarter sessions or at a court of oyer and terminer or general gaol delivery; and a court making under this Act an order for the trial of a prisoner at a court of oyer and terminer or general gaol delivery shall cause notice in writing of the order to be given to the governor of the gaol in which the prisoner is confined.

3. *Proceedings for discharge of prisoner where he is not tried at the next quarter sessions.*] (1.) Where a prisoner has been committed to gaol on a charge for an indictable offence, and persons have been bound over to prosecute and give evidence at a court of quarter sessions for any county or place, and the prisoner is not tried at that court, then the next court of oyer and terminer or general gaol delivery having jurisdiction in such county or place shall, on his application (unless there are such special reasons to the contrary as are herein-after mentioned), either cause him to be tried at that court, or discharge him from his imprisonment, and if there are such special reasons may admit him to bail.

(2.) If he is not so tried or discharged, and he is not tried before the holding of the then next subsequent court of oyer and terminer or gaol delivery having jurisdiction in such county or place, that court shall try him or discharge him from his imprisonment.

(3.) The said special reasons may be the removal of the indictment into another court, the impossibility of producing the witnesses for the prosecution at the said court of quarter sessions, or other special reasons for postponing the trial.

4. *Exercise of jurisdiction.* The jurisdiction vested by this Act in the High Court may be exercised either in court or in chambers by any judge of the High Court.

The jurisdiction vested by this Act in a court of oyer and terminer or general gaol delivery may be exercised by any judge or commissioner of that court.

5. *Not to affect certiorari, &c.* Nothing in this Act shall affect any existing right or power in the High Court of Justice, or any judge thereof, to remove by certiorari or otherwise any indictment found in any court of quarter sessions, or shall affect any existing right or power in any court of quarter sessions to remit any indictment found at such quarter sessions, for trial at a court of oyer and terminer or general gaol delivery.

6. *Rules may be made by rule committee of judges.* Rules of court for the purpose of carrying into effect this Act may be made by the same persons, and laid before Parliament, and be subject to be annulled in like manner as rules of court for the purpose of the Supreme Court of Judicature Act, 1875, and the Acts amending the same.

7. *Definitions.* In this Act, unless the context otherwise requires,—

The expression "High Court" means Her Majesty's High Court of Justice:

The expression "court of oyer and terminer or general gaol delivery" includes a court of assize and the Central Criminal Court:

The expression "court of quarter sessions" means the justices of a county, riding, division, or liberty in general or quarter sessions assembled, and includes the recorder of a borough:

The expression "gaol" includes house of correction.

8. *Extent of Act.* This Act shall extend to England and Wales only.

9. *Short title.* This Act may be cited as the Assizes Relief Act, 1889.

CHAPTER 13.

[*Purchase of Land (Ireland) Amendment Act, 1889.*]

An Act to amend the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same. [24th June 1889.]

CHAPTER 14.

[*Town Police Clauses Act, 1889.*]

An Act to amend the provisions relating to Hackney Carriages of the Town Police Clauses Act, 1847. [24th June 1889.]

Whereas it is expedient to amend the provisions with respect to hackney carriages of the Town Police Clauses Act, 1847, in this Act called the principal Act:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Town Police Clauses Act, 1889, and this Act and the Town Police Clauses Act, 1847 [10 & 11 Vict. c. 89] may be cited together as the Town Police Clauses Acts, 1847 and 1889.

2. *Construction of Act.* (1.) This Act shall be construed as one with the principal Act, and the expression "this Act" in the principal Act shall be construed to mean the principal Act as amended by this Act.

(2.) This Act shall be deemed to be incorporated with the Public Health Act, 1875 [38 & 39 Vict. c. 55], by section one hundred and seventy-one of that Act.

3. *Defining "omnibus."* The term "omnibus," where used in this Act, shall include—

Every omnibus, char-à-banc, wagonette, brake, stage coach, and other carriage plying or standing for hire by or used to carry passengers at separate fares, to, from, or in any part of the prescribed distance;

but shall not include—

Any tramcar or tram carriage duly licensed under the provisions of the Tramways Act, 1870 [33 & 34 Vict. c. 78], or of any Provisional Order made thereunder and confirmed by Parliament, or under the provisions of any local Act of Parliament:

Any carriage starting from and previously hired for the particular passengers thereby carried at any livery stable yard (within the prescribed distance) whereat horses are stabled and carriages let for hire, the said carriage starting from the said stable yard and being bona fide the property of the occupier thereof, and not standing or plying for hire within the prescribed distance:

Any omnibus belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station of that company, and not standing or plying for hire within the prescribed distance:

Any omnibus starting from outside the prescribed distance, and bringing passengers within the prescribed distance, and not standing or plying for hire within the prescribed distance.

4. *Extending certain provisions of principal Act to omnibuses.* (1.) The several terms "hackney carriages," "hackney coach," "carriages," and "carriage," whenever used in sections thirty-seven, forty to fifty-two (both inclusive), fifty-four, fifty-eight, and sixty to sixty-seven (both inclusive) of the principal Act shall, notwithstanding anything contained in section thirty-eight of that Act, be deemed to include every omnibus.

(2.) The word "driver" or "drivers" when used in any of the said sections of the principal Act shall be deemed to include every conductor of any omnibus.

(3.) For the purposes of sections fifty-four, fifty-eight, and sixty-six of the principal Act, the fare, according to the statement of fares exhibited on any omnibus, shall be deemed to be the fare allowed by the principal Act or authorised by any bylaw under that Act.

5. *Licences may be granted for short periods.* Any licence may be granted under the principal Act to continue in force for such less period than one year as the Commissioners may think fit, and shall specify in the licence.

6. *Byelaws.* The Commissioners may from time to time make byelaws for all or any of the following purposes, that is to say:—

For regulating the conduct of the proprietors, drivers, and conductors of omnibuses plying within the prescribed distance in their several employments, and determining whether such drivers and conductors shall wear any and what badges:

For regulating the manner in which the number of each omnibus corresponding with the number of its licence shall be displayed:

For regulating the number of persons to be carried by such omnibus, and in what manner such number is to be shown thereon:

For regulating the number and securing the fitness of the animals to be allowed to draw an omnibus, and for the removal therefrom of unfit animals:

For securing the fitness of the omnibus and the harness of the animals drawing the same:

For fixing the stands for omnibuses and the points at which they may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same:

For securing the safe custody and redelivery of any property accidentally left in any omnibus, and fixing the charge to be made in respect thereof:

To provide for the carrying and the lighting of proper lamps for denoting the direction in

which the omnibus is proceeding, and promoting the safety and convenience of the passengers carried thereby:

To provide for the exhibition on some conspicuous part of every omnibus of a statement in legible letters and figures of the fares to be demanded and received from the persons using or carried for hire in such omnibus:

To prevent within the prescribed distance—

(a) the owner, driver, or conductor of any omnibus, or any other person on their or his behalf, by touting, calling out, or otherwise, from importuning any person to use or to be carried for hire in such omnibus, to the annoyance of such person or of any other person;

(b) the blowing of or playing upon horns or other musical instruments, or the ringing of bells, by the driver or conductor of any omnibus, or by any person travelling on or using any such omnibus.

Provided that nothing in this Act contained shall empower the Commissioners to fix the site of the stand of any omnibus in any railway station, or in any yard adjoining or connected therewith, except with the consent of the railway company owning such site.

CHAPTER 15.

[*Consolidated Fund (No. 3) Act, 1889*]

An Act to apply the sum of twenty-six million four hundred and seventy-three thousand nine hundred and forty-four pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety.

[5th July 1889.]

CHAPTER 16.

[*Secretary for Scotland Act, 1889.*]

An Act to explain the Secretary for Scotland Act, 1887. [5th July 1889.]

CHAPTER 17.

[*London Coal Duties Abolition Act, 1889.*]

An Act to abolish any Duties on Coals leviable by the Corporation of London.

[9th July 1889.]

[Reciting Charters 3rd James I, and 12th James I; and Acts of Parliament 5 & 6 W. & M. c. 10; 10 Geo. 4, c. 136; 1 & 2 Will. 4, c. 76; 1 & 2 Vict. c. 101; 8 & 9 Vict. c. 101; 24 & 25 Vict. c. 42; 26 & 27 Vict. c. 46, and 31 Vict. c. 17.]

And whereas it is expedient that, subject to the provisions of this Act, all duties at any time heretofore levied by the Corporation on coals, culm, or cinders shall cease:

And whereas by an Act entitled the Kew and other Bridges Act, 1869, and an Act entitled the Kew and other Bridges Act, 1869 (Amendment), Act, 1874, provision was made for the freeing of certain bridges therein named, and for raising certain funds in that behalf on the security of the coal duties as therein mentioned:

And whereas after discharging the pecuniary obligation imposed by the said Acts a certain surplus will remain:

And whereas Parliament has reserved to itself by the thirty-first Victoria, chapter seventeen, section five, the right of dealing with such surplus as it shall direct:

And whereas by an Act passed in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter one hundred and forty-six, entitled the Coal Duties (London and Westminster and adjacent Counties) Act, 1851, the Corporation were to retain one penny per ton out of the drawback allowance for the purposes in the said Act expressed:

And whereas there now remains in the hands of the Chamberlain of London a surplus of fifty-nine thousand and ninety-seven pounds or thereabouts out of such drawback allowance:

Be it therefore enacted, &c.:

1. *Repeal of power of Lord Mayor's present rights with respect to coals.* From and after the fifth day of July one thousand eight hundred and eighty-

nine, the Lord Mayor of the City of London, and the mayor, commonalty, and citizens of the said city shall not at any time exercise any right of measuring or weighing coals or any other rights with respect to coals to which he or they is, are, or may be entitled by prescription or by any charters and Acts of Parliament, or otherwise, or to demand, collect, receive, or take any metage, impositions, duties, rates, or sums in respect of any coals, culm, or cinders imported or brought into the Port of London or brought within the limits of the metropolitan police district as defined by Act of Parliament, including the Cities of London and Westminster, by any mode of conveyance:

Provided always, that the duty of fourpence per ton on coals, culm, and cinders continued to the said Corporation, under the style of the Mayor, aldermen, and commons of the city of London, by section two of the before-recited Act of 1868 shall continue until the fifth day of July one thousand eight hundred and ninety, but shall be applied by the said Corporation towards discharging the moneys borrowed and now remaining unpaid in respect of the completion of the Holborn Valley improvements, particularly referred to in the said section. Provided also that the statutory provisions with respect to collection, returns, certificates, accounts, and drawback contained in or continued by the said Act in regard to the duties therein mentioned shall apply to the duty hereby continued, except that the allowance of drawback shall be limited to the sum of fourpence per ton. And provided also that an account of the receipt and application of the said duty shall be kept separate and distinct from the accounts of the said Corporation, and that an abstract of the said account be yearly laid by the Chamberlain of the City of London before both Houses of Parliament.

2. *Application of surplus.* Any surplus or sums that may remain after discharging the pecuniary obligations imposed by any of the above-recited Acts, viz.: the Kew and other Bridges Act, 1869, and the Kew and other Bridges, 1869 (Amendment) Act, 1874, and any surplus accrued or accruing from the one penny per ton drawback allowance under the above-recited Act, intitled the Coal Duties Act, 1851, shall be applicable and be applied by the Corporation in discharging as far as may be the capital sum now due and owing by the said Corporation on the said Holborn Viaduct improvement and approaches.

3. *Short title.* This Act may be cited as the London Coal Duties Abolition Act, 1889.

CHAPTER 18.

[*Indecent Advertisements Act, 1889.*]

An Act to suppress Indecent Advertisements. [26th July 1889.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Indecent Advertisements Act, 1889.

2. *Commencement of Act.* This Act shall come into operation on the first day of January, one thousand eight hundred and ninety.

3. *Summary proceedings against persons affixing, &c. indecent or obscene pictures or printed or written matter.* Whoever affixes to or inscribes on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway, or footpath, and whoever affixes to or inscribes on any public urinal, or delivers or attempts to deliver, or exhibits, to any inhabitant or to any person being in or passing along any street, public highway, or footpath, or throws down the area of any house, or exhibits to public view in the window of any house or shop, any picture or printed or written matter which is of an indecent or obscene nature, shall, on summary conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding forty shillings, or, in the discretion of the Court, to imprisonment for any term not exceeding one month, with or without hard labour.

4. *Summary proceedings against persons sending others to do the acts punishable under s. 3.* Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in section three of this Act with the intent that the

same, or some one or more thereof, should be affixed, inscribed, delivered, or exhibited as therein mentioned, shall, on conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding five pounds, or, in the discretion of the Court, to imprisonment for any term not exceeding three months, with or without hard labour.

5. *Certain advertisements declared indecent.* Any advertisement relating to syphilis, gonorrhoea, nervous debility, or other complaint or infirmity arising from or relating to sexual intercourse, shall be deemed to be printed or written matter of an indecent nature within the meaning of section three of this Act, if such advertisement is affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or other thing whatsoever, so as to be visible to a person being in or passing along any street, public highway, or footpath, or is affixed to or inscribed on any public urinal, or is delivered or attempted to be delivered to any person being in or passing along any street, public highway, or footpath.

6. *Constable may arrest on view of offence.* Any constable or other peace officer may arrest without warrant any person whom he shall find committing any offence against this Act.

7. *Interpretation.* In this Act the expression "Summary Jurisdiction Acts"—

In England means the Summary Jurisdiction (English) Acts within the meaning of the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49];

In Scotland means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881 [27 & 28 Vict. c. 53, 44 & 45 Vict. c. 33], and any Acts amending the same; and

In Ireland means within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93], and any Act amending the same.

CHAPTER 19.

[*Registration of County Electors (Extension of Time) Act, 1889.*]

An Act to extend the Time for the Preparation of the Registers of County Electors in England and Wales. [26th July 1889.]

Whereas it is provided by the Registration of Electors Acts, 1843 to 1888, that the county registers, that is to say, the registers of the names of county electors and burgesses, shall be completed on or before the twentieth day of October in each year, and shall come into operation on the first day of November following:

And whereas it is expedient to make temporary provision for extending the time allowed for the preparation and printing of such registers:

Be it therefore enacted, &c.:

1. *Alteration of dates for completing registers of county electors in 1889 and 1890.* (1.) In each of the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, notwithstanding anything in the Registration of Electors Acts, 1843 to 1888, contained, the revision of the lists of parliamentary voters and county electors may be later than the twelfth day of October, so that it be not later than the twentieth day of October, and every county register shall be completed on or before the thirtieth day of November, and shall come into operation on the first day of January following, and shall continue in operation until the next county register comes into operation.

(2.) Sub-section two of section forty-five of the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], shall not apply to any register of county electors completed in either of the said years.

(3.) Provided that nothing in this Act shall alter the dates for the completion and coming into operation of the burgess roll for any municipal borough; and any new burgess roll for a borough, which comes into operation on the first day of November in either of the said years, shall be substituted in the then current county register for

so much of that register as consists of the burgess roll for that borough.

2. *Short title and construction.* This Act may be cited as the Registration of County Electors (Extension of Time) Act, 1889, and shall be construed as one with the Registration of Electors Acts, 1843 to 1888.

CHAPTER 20.

[*Agricultural Holdings (Scotland) Act, 1889.*]

An Act to amend the Agricultural Holdings (Scotland) Act, 1883. [26th July 1889.]

CHAPTER 21.

[*Weights and Measures Act, 1889.*]

An Act for amending the Law relating to Weights and Measures, and for other purposes connected therewith. [26th July 1889.]

Whereas it is expedient to amend the Weights and Measures Act, 1878 (hereinafter referred to as the principal Act), and the law relating to the sale of coal:

Be it therefore enacted, &c.:

PART I.

Weights and Measures.

1. *Verification of weighing instruments.* (1.) Every weighing instrument used for trade shall be verified and stamped by an inspector of weights and measures with a stamp of verification under this Act.

(2.) Every person who, after the expiration of twelve months from the commencement of this Act, uses, or has in his possession for use, for trade any weighing instrument not stamped as required by this Act, shall be liable to a fine not exceeding two pounds, or in the case of a second offence five pounds.

(3.) The power of making byelaws conferred by section fifty-three of the principal Act shall extend to the making of byelaws for giving effect to this section.

(4.) Section thirty-two of the principal Act shall apply to weighing instruments in like manner as it applies to weights and measures.

2. *Local verification of metric weights and measures.* The Board of Trade may, if they think fit, at the expense of the local authority, deposit with any inspector of weights and measures copies of any of the metric standards in their custody, and cause to be verified with any copy so deposited any metric weights and measures which can under section thirty-eight of the principal Act be compared with the metric standards in their custody.

3. *Amendment of 41 & 42 Vict. c. 49, ss. 25 and 26.* The fine for a second or a subsequent offence under section twenty-five or section twenty-six of the principal Act shall be a sum not exceeding twenty pounds, and the provisions of the said section twenty-six with respect to forfeiture shall apply to weighing instruments in like manner as they apply to weights, measures, scales, balances, and steelyards.

4. *Liability to imprisonment in cases of fraud.* Where a person is convicted under any section of the principal Act or this Act of a second or subsequent offence, and the court by which he is convicted is of opinion that such offence was committed with intent to defraud, he shall be liable, in addition to or in lieu of any fine, to be imprisoned with or without hard labour for a term not exceeding two months.

5. *Repeal of 41 & 42 Vict. c. 49, ss. 16, 46.* The following sections of the principal Act are hereby repealed:

(a.) Section sixteen, relating to the measure of capacity for goods formerly sold by heaped measure;

(b.) Section forty-six, giving power to stamp measures made partly of metal and partly of glass.

6. *New denominations of standards.* The Board of Trade shall from time to time cause such new

denominations of standards for the measurement of electricity, temperature, pressure, or gravities as appear to them to be required for use for trade to be made and duly verified, and those new denominations of standards when approved by Her Majesty in Council shall, whether derived from imperial or from other standards, be Board of Trade standards, in like manner as if they were mentioned in the Second Schedule to the principal Act.

7. *Working standards.* Any local authority may provide for the use of their officers working standards of measure and weight, and scale-beams of such material and in such form as the Board of Trade may approve, and those standards may, if verified in such manner as the Board of Trade from time to time direct, be used for the inspection and verification of weights and measures as if they were local standards.

8. *Power for Board of Trade to take fees.* (1.) The Board of Trade may, on the comparison and verification of weights and measures, not being standards for the use of a local authority or their officers, and not being coin weights, and on the examination or testing of weighing or measuring instruments, charge and take such fees as may from time to time be approved by the Treasury.

(2.) The fees taken under this section may be applied in such manner and to such extent as the Treasury may from time to time direct in aid of money provided by Parliament for expenses of the Board of Trade under this Act, and if and as far as not so applied shall be paid into the Exchequer.

9. *General regulations.* (1.) Every local authority within the meaning of this Act, and every other person or authority having power to appoint inspectors of weights and measures, shall, with the approval of the Board of Trade, make for the guidance of the inspectors appointed or employed by that authority or person, and may from time to time with the like approval amend or rescind general regulations with respect to—

(a.) the procedure to be observed in the verification and stamping of weights, measures, and weighing and measuring instruments, including the prohibition of stamping in cases where the material or mode of construction appears likely to facilitate the commission of fraud; and

(b.) the inspection of weights, measures, and weighing and measuring instruments.

(2.) If any such authority or person, on being required by the Board of Trade to make, amend, or rescind any general regulations in pursuance of this section fails to comply with the requirement, the Board of Trade may make, amend, or rescind such regulations, and any regulations so made or amended shall have effect as if made by that authority or person.

(3.) All regulations made under this section shall be duly observed and kept published in such manner as the Board of Trade from time to time shall direct.

10. *Provision as to local inquiries.* (1.) The Board of Trade may from time to time appoint an officer to hold a local inquiry with respect to the administration of the law relating to weights and measures within the jurisdiction of any local authority.

(2.) The appointment may be made either on the application of the local authority or without such application, but with the concurrence of the Treasury.

(3.) The officer so appointed shall visit the office of the local inspector of weights and measures, and shall, among other things, inquire into the procedure observed in the verification and inspection of weights, measures, and weighing instruments within that jurisdiction; and, on the completion of the local inquiry, shall report to the Board of Trade and to the local authority on the condition and equipment of the office visited, and on the mode in which the law relating to weights and measures is being carried out within the jurisdiction of that authority.

(4.) Where the appointment is made on the application of a local authority, the costs incurred in relation to the inquiry, including the remuneration of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority applying for or assenting to the inquiry, and the Board of Trade may certify the

amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any local authority shall be a debt to the Crown from that authority.

(5.) Where the appointment is made otherwise than on the application of the local authority, the costs incurred in relation to the inquiry, including the remuneration aforesaid, shall be paid out of moneys provided by Parliament.

11. *Qualification of inspectors of weights and measures.* (1.) The Board of Trade shall provide for the holding of examinations for the purpose of ascertaining whether persons acting or appointed to act as inspectors of weights and measures possess sufficient practical knowledge for the proper performance of their duties as such, and for the grant of certificates to persons who satisfactorily pass such examinations.

(2.) In the case of persons who have been appointed inspectors before the commencement of this Act, the passing of an examination under this section shall be permissive, but not obligatory; but a person who, after the commencement of this Act, is for the first time appointed to be an inspector of weights and measures, shall not act as such unless and until he has obtained such a certificate as aforesaid.

(3.) There shall be charged in respect of the examinations under this section such fees as the Board of Trade, with the concurrence of the Treasury, from time to time direct, and all such fees shall be applied in such manner and to such extent as the Treasury from time to time direct, in aid of money provided by Parliament for expenses of the Board of Trade under this Act, and if and as far as not so applied shall be paid into the Exchequer.

12. *Inspector not to be maker, seller, or adjuster of weights, measures, or weighing instruments.* (1.) An inspector of weights and measures shall not, during the time he holds office, be a person deriving any profit from or employed in the making, adjusting, or selling of weights, measures, or measuring or weighing instruments:

(2.) Provided that in any district where, on the representation of the local authority, it appears to be desirable for an inspector of weights and measures to be allowed to adjust weights and measures, the Board of Trade may, if they think fit, authorise an inspector appointed by that local authority to act as an adjuster of weights and measures.

(3.) An inspector so authorised may for any such adjustment make such charges as the local authority approve, and shall account for and pay any money received by him in respect of such charges in such manner as the local authority direct.

13. *Fees for verification and stamping by inspectors.*

(1.) An inspector of weights and measures may take in respect of the verification and stamping of weights, measures, and weighing instruments the fees specified in the First Schedule to this Act, and no others, and no discount shall be allowed, and such inspector shall at such times, not less often than once a quarter, as the local authority direct, account for and pay over to the local authority, or as they direct, all fees so taken.

(2.) If the Board of Trade represent to Her Majesty that it would be expedient to fix fees to be paid on the verification and stamping of weights, measures, or weighing instruments, in cases other than those specified in the said schedule, it shall be lawful for Her Majesty, by Order in Council, from time to time to direct such fees to be paid.

14. *Publication of convictions.* Where a person is convicted before any court of any offence under the principal Act or this Act, the court may, if it thinks fit, cause the conviction to be published in such manner as it thinks desirable.

15. *Application of 41 & 42 Vict. c. 49, s. 66 to gas standards.* The provisions of the principal Act and of this Act as to the verification and re-verification of local and working standards shall apply to the standards used by any local authority in testing meters under the Act of the Session held in the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intitled "An Act for regulating measures used in sales of gas," and the Acts amending the same.

16. *Powers to London County Council to exercise jurisdiction throughout the county.* Notwithstanding

anything in section fifty-four of the principal Act, and any other provision in that or any other Act, the inspectors of weights and measures appointed by the London County Council shall alone within the whole of the county of London, exclusive of the city of London, have the powers and discharge the duties of inspectors of weights and measures appointed under the principal Act; provided that any inspector of weights and measures who, at the passing of this Act, though not an officer of the county council, holds office in any parish or place in the county of London, exclusive of the city of London, shall become an officer of that council, and if removed from such appointment by the London County Council he shall be entitled to be regarded as an existing officer under the Local Government Act, 1888 [51 & 52 Vict. c. 41] and to receive such compensation as existing officers whose offices are affected are under that Act entitled to receive.

17. *Provision as to city of London.* Notwithstanding anything in section sixty-seven or sixty-eight of the principal Act, a person using weights or measures in the city of London shall not be required to have his weights or measures verified or stamped by more than one authority.

18. *Provision of copies of local standards in Ireland.* The copies required to be provided by the local authority in Ireland of their local standards, and the scales and stamps used by inspectors of weights and measures in Ireland, shall be of such material and in such form as the Board of Trade may approve.

19. *Amendment of 41 & 42 Vict. c. 49 as to inspectors in Ireland.* (1.) Notwithstanding anything in the principal Act, the Township Commissioners shall have power to appoint and shall appoint inspectors of weights and measures in each of the townships in Ireland mentioned in the Second Schedule to this Act, in lieu of the ex-officio inspectors under section eighty-one of the principal Act; and in each of the different areas of the said townships, for the purposes of the principal Act and this Act, "the local rate" shall mean the rate to be levied by the Township Commissioners, or, if the township is liable to county cess and no rate is levied in the township, the county cess of the county of Dublin.

(2.) Notwithstanding anything in the same section of the principal Act, the provisions of the principal Act and of this Act concerning the taking of fees by inspectors of weights and measures shall apply to the ex-officio inspectors in Ireland, and the fees taken by those inspectors elsewhere than in the Dublin Metropolitan police district shall be applied for the benefit of the Royal Irish Constabulary in such manner as the Lord Lieutenant, with the assent of the Treasury, may direct, subject, however, to a deduction of such amount as the Treasury may from time to time sanction for expenses incurred by the Board of Trade in execution of their duties in Ireland under the principal Act and this Act.

(3.) Whereas the rank of acting inspector in the Dublin Metropolitan police force has been abolished, therefore in the same section of the principal Act a reference to sergeants of the Dublin Metropolitan police force shall be substituted for the reference to acting inspectors.

PART II.

Sale of Coal.

20. *Coal to be sold by weight.* (1.) All coal shall be sold by weight only, except where by the written consent of the purchaser it is sold by boat load or by waggons or trolleys delivered from the colliery into the works of the purchaser.

(2.) If any person sells coal otherwise than is required by this section he shall be liable to a fine not exceeding five pounds for every such sale.

21. *Weight ticket or note on delivery of coal over two hundredweight.* (1.) Where any quantity of coal exceeding two hundredweight is delivered by means of any vehicle to a purchaser, the seller of the coal shall therewith deliver, or cause to be delivered, or to be sent by post or otherwise, to the purchaser or to his servant, before any part of the coal is unloaded, a ticket or note according to the form in the Third Schedule to this Act, or according to a form to the like effect.

(2.) If default is made in complying with the

requirements of this section with respect to the delivery or sending of a ticket or note, or if the quantity of coal delivered is less than the quantity expressed in the ticket or note, the seller of the coal shall be liable to a fine not exceeding five pounds.

(3.) If any person attending on any such vehicle, having received any such ticket or note for delivery to the purchaser, refuses or neglects to deliver it as required by this section, or, on being requested so to do, to exhibit it to any inspector of weights and measures, or other officer appointed for the purpose by the local authority, he shall be liable to a fine not exceeding five pounds.

22. Tare weight of vehicle where coal sold in bulk.]

(1.) Where any quantity of coal exceeding two hundred weight is conveyed for delivery on sale in a vehicle in bulk, the seller of the coal shall, unless the vehicle is provided by the purchaser, cause the weight of the vehicle, as well as of the coal contained therein, to be previously ascertained by a weighing instrument stamped by the inspector of weights and measures, and being on or near to the place from which the coal is brought, and shall from time to time cause the tare weight of the vehicle to be marked thereon in such manner as the local authority approve.

(2.) In any such case the seller of the coal shall insert or cause to be inserted in the ticket required by this Act to be given by him a statement of the correct weight of the vehicle, or of the vehicle and of the animal drawing it where both are weighed together with the load, as well as of the correct weight of the coal contained in the vehicle.

(3.) If any person fails to comply with the requirements of this section, he shall be liable to a fine not exceeding five pounds.

23. Frauds by drivers of coal carts.] If the person in charge of any vehicle in which coal is being carried wilfully makes any false statement as to the tare weight of the vehicle, or wilfully does any act by which either the seller or the purchaser of the coal is defrauded, he shall be liable to a fine not exceeding five pounds.

24. Penalty on deficiency in weight of coal on small sales.] If any person on the sale of coal in any quantity not exceeding two hundredweight fraudulently delivers to the purchaser a less quantity of coal than is agreed to be sold, he shall be liable to a fine not exceeding five pounds.

25. Weighing instrument to be kept in place where coal sold by retail.] (1.) Where coal is sold by retail for delivery at the place where it is kept for sale and there is not at or near such place any weighing instrument stamped by an inspector of weights and measures at which the coal can be weighed, the seller shall keep at that place a weighing instrument stamped as aforesaid, and shall, if so required by any purchaser, or by any inspector of weights and measures, or by any other officer appointed for the purpose by the local authority, weigh any coal before the sale or delivery thereof.

(2.) If any person fails to comply with the requirements of this section he shall be liable to a fine not exceeding for a first offence two pounds, and for any subsequent offence five pounds.

26. Erection and maintenance of weighing instruments.] (1.) The local authority may erect and maintain fixed weighing instruments at convenient places for the purpose of weighing coal, and may provide, furnish, and maintain portable weighing instruments for the same purpose, and may appoint proper persons to keep and attend any such instruments.

(2.) If the keeper of any such fixed weighing instrument refuses, without reasonable excuse, to weigh or re-weigh any vehicle or coal, or so weighs any vehicle or coal as wilfully to defraud either the seller or the purchaser of coal, he shall be liable to a fine not exceeding five pounds.

27. Power to require weighing of coal or vehicle.] (1.) Any seller or purchaser of coal, person in charge of a vehicle in which coal is carried, inspector of weights and measures, or other officer appointed for the purpose by the local authority, may require that any coal or any vehicle used for the carriage of coal in bulk be weighed or re-weighed by any weighing instrument stamped by an inspector of weights and measures.

Provided as follows:

(a.) No seller of coal or person in charge of a vehicle in which coal is carried shall be required under this section to carry coal beyond such distance, not exceeding half a mile, as may be prescribed in that behalf by the local authority:

(b.) Where any such coal or vehicle has at the instance of the purchaser being weighed or re-weighed in pursuance of this section, and found to be of the weight stated in that behalf by the seller of the coal or the person in charge of the vehicle, the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(2.) If any person obstructs any weighing or re-weighing authorised by this section he shall be liable to a fine not exceeding five pounds.

28. Power to make byelaws with respect to the sale of coal.] (1.) Any local authority may from time to time make, revoke, and alter byelaws,

(a.) regulating for the purposes of this Act the sale of coal in quantities not exceeding two hundredweight; and,

(b.) requiring, either generally or in specified classes of cases, a weighing instrument, of a form approved by the local authority, to be carried with any vehicle in which coal is carried for sale or delivery to a purchaser; and

(c.) prescribing the distance beyond which coal is not to be required to be carried for the purpose of being weighed or re-weighed in pursuance of this Act; and

(d.) fixing the fees to be paid for the use of any weighing instrument maintained by the local authority;

and may by such byelaws impose fines, recoverable summarily, and not exceeding in each case five pounds, for the breach of any such byelaw.

(2.) Every byelaw made under this section shall, before being brought into operation, be approved by the Board of Trade and be published in such manner as the local authority think sufficient for giving notice thereof to all persons interested, and a copy of every such byelaw shall be sent by the local authority to the Board of Trade.

29. Power to weigh coal in shop or vehicle.] (1.) Any inspector of weights and measures or officer appointed for the purpose by the local authority may, at all reasonable times, enter any building or part of a building or other place in which coal is sold or kept or exposed for sale, and may stop any vehicle carrying coal for sale or for delivery to a purchaser, and may test any weights and weighing instruments found in any such place or vehicle, and may weigh any load, sack, or other less quantity of coal, found in any such place or vehicle, or which is in course of delivery to any purchaser.

(2.) If it appears to a court of summary jurisdiction that any load, sack, or less quantity so weighed is of less weight than that represented by the seller, the person selling or keeping or exposing the coal for sale, or the person in charge of the vehicle, as the case may be, shall be liable to a fine not exceeding five pounds.

(3.) Any person who obstructs or hinders any inspector acting under this section shall be liable to a fine not exceeding five, or in the case of a second or subsequent offence ten, pounds.

30. Power to make local exemptions.] Her Majesty the Queen may, from time to time, on the application of the local authority for any area, and on being satisfied that the provisions made by or under any local Act in force at the commencement of this Act, with respect to the sale of coal in that area are more stringent than the corresponding provisions of this Act, by Order in Council exempt that area from the provisions of this Part of this Act to such extent, and under such conditions, as may appear to Her Majesty in Council expedient.

31. Extent.] This Part of this Act, except the provision requiring coal to be sold by weight only, shall not extend to Scotland.

PART III.

Bread.

32. Explanation of law as to bakers.] Nothing in the enactments referred to in the Fourth Schedule

to this Act shall render any baker or seller of bread, or the journeyman, servant, or other person employed by such baker or seller of bread, liable to any forfeiture or penalty for refusing to weigh in the presence of the purchaser any bread conveyed or carried out in any cart or other carriage, unless he is requested so to do by or on behalf of the purchaser.

PART IV.

Supplemental.

33. Saving for liabilities otherwise than under Act.] (1.) No proceeding or conviction for any offence punishable under this Act shall affect any civil remedy to which any person aggrieved by the offence may be entitled.

(2.) This Act shall not exempt any person from any indictment or other proceeding for an offence which is punishable at common law or under some Act of Parliament other than this Act, so that no person be punished twice for the same offence.

(3.) Where proceedings are taken before any court against any person in respect of any offence punishable under this Act, and the offence is also punishable at common law or under some Act of Parliament other than this Act, the court may direct that, instead of those proceedings being continued, proceedings shall be taken against that person at common law or under some Act of Parliament other than this Act.

34. Construction of Act.] This Act and the principal Act shall be construed together as one Act.

35. Definitions.] In this Act, unless the context otherwise requires,—

"Weighing instrument" includes scales, with the weights belonging thereto, scale-beams, balances, spring-balance, steelyards, weighing machines, and other instruments for weighing;

"Measuring instrument" includes any instrument for the measurement of length, capacity, volume, temperature, pressure, or gravity, or for the measurement and determination of electrical quantities;

"Vehicle" means any carriage, cart, waggon, truck, barrow, or other means of carrying coal by land, in whatever manner the same may be drawn or propelled, but does not include a railway truck or waggon;

"Inspector" means an inspector under the principal Act;

Other expressions have the same meaning as in the principal Act: Provided that the expression "local authority" shall, in its application to England, be construed subject to the provisions of the Local Government Act, 1888 [51 & 52 Vict. c. 41], and the expression "weighing machine" in the principal Act shall include any weighing instrument as defined by this Act.

36. Repeal.] (1.) The enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2.) The repeal of any enactment by this Act shall not affect—

(a) the past operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed; or

(b) any right or liability acquired or incurred under any enactment so repealed; or

(c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or

(d) any power, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

37. Commencement.] This Act shall come into operation on the first day of January one thousand eight hundred and ninety, which date is in this Act referred to as the commencement of this Act:

Provided as follows:

(a.) At any time after the passing of this Act any appointment, byelaw, or regulation may be made, and any other thing may be done, which appears to a local authority to be necessary or proper for the purpose of

bringing this Act into operation at the commencement thereof;
(b.) In Ireland, where a grand jury is the local authority, so much of this Act as concerns the powers and duties of the local authority and the consequences of the exercise of such powers and duties shall come into operation on the first day of May one thousand eight hundred and ninety.

38. *Saving for corporation of Dublin.* Nothing in this Act, or the principal Act, shall be held to affect any right or privilege conferred upon the lord mayor, aldermen, and burgesses of Dublin by charter or statute.

39. *Short titles.* This Act may be cited as the Weights and Measures Act, 1889; and the principal Act and this Act may be cited together as the Weights and Measures Acts, 1878 and 1889.

FIRST SCHEDULE.

Section 13.—*Fees to be taken on the verification and stamping of Weights, Measures, and Weighing Instruments by Inspectors of Local Authorities.*

Weights.

Avoirdupois:	s.	d.
Each weight of 100 lb. (cental)	0	4
" " 56 lb. and 28 lb.	0	3
" " 14 lb. and 7 lb.	0	2
" " from 4 lb. to 1 lb., inclusive	0	1
" " 8 oz. to ½ dram inclusive	0	0½
" " 4,000 grains to 10th of a grain inclusive	0	0½
" " 240 to 24 grains, inclusive, commonly called pennyweights	0	0½

Troy:	s.	d.
Each weight from 500 oz. to 100 oz., inclusive	0	4
" " 50 oz. to 10 oz., inclusive	0	2
" " 5 oz. to 10th of an oz., inclusive	0	1

Apothecaries:	s.	d.
Each weight from 10 oz. to 1 oz., inclusive	0	2
" " 4 drams to ½ grain, inclusive	0	1

Measures.	s.	d.
Length:		
Each measure from 100 feet to 7 feet, inclusive	0	3
" " 6 feet to 4 feet inclusive	0	2
" " of a yard, 2 feet, foot, and inch respectively, including their sub-divisions	0	1

Measures from 0·500 to 0·001 inch, in the form of wiregauge plates:
For each notch, or for each internal gauge or separate size, from half an inch to 10th of an inch 0 0½

Capacity:—	s.	d.
Dry and liquid measures:		
Each measure of 4 bushels (32 gallons) and 1 bushel (8 gallons)	0	6
" " from 5 gallons to 2 gallons (peck) inclusive	0	3
" " 1 gallon to a ½ gill, inclusive	0	1

Apothecaries:	s.	d.
Each sub-divided measure containing not more than twelve subdivisions	0	1
" containing more than twelve subdivisions but not more than fifteen	0	1½
" containing more than fifteen subdivisions but not more than eighteen	0	1½
" containing more than eighteen subdivisions but not more than twenty-one	0	1½
" containing more than twenty-one subdivisions but not more than twenty-four	0	2
" containing more than twenty-four subdivisions but not more than thirty	0	2½
" containing more than thirty subdivisions but not more than thirty-six	0	3
" containing more than thirty-six subdivisions but not more than forty-two	0	3½
" containing more than forty-two subdivisions but not more than fifty	0	4

Each sub-divided measure containing more than fifty sub-divisions but not more than one hundred	0	6
" containing more than one hundred subdivisions but not more than one hundred and fifty	0	9
" containing more than one hundred and fifty	1	0
Each separate measure from 49 fluid oz. to 10 fluid oz., inclusive	0	2
" 10 fluid oz.	0	0½

Weighing Instruments.

For 10 tons and above	10	0
For under ten tons and above 1 ton	5	0
For 1 ton and above 5 cwt.	2	0
For 500 cwt. and above 1 cwt.	1	6
For 1 cwt. and above 56 lbs.	1	0
exclusive of cost of cartage and lifting of standards in each of the above cases		
For 56 lb. and above 14 lb.	0	6
For 14 lb. and above 1 lb.	0	3
For 1 lb. or under	0	2

SECOND SCHEDULE.

Section 19.—*Townships in Ireland for which Inspectors of Weights and Measures are to be appointed.*

Blackrock.
Dalkey.
Kilmainham, New.
Kingstown.
Pembroke.
Rathmines and Rathgar.

THIRD SCHEDULE.

Section 21.—*Weight Ticket or Consignment Note on delivery of Coal over Two Hundredweight.*

Mr. A. B. [here insert the name of the buyer].
Take notice that you are to receive herewith
tons cwt. lbs. of coal.
[When sold in sacks add] cwt.
[When sold in bulk, add] tons. cwt. lbs.

Weight of coal and vehicle
Tare weight of vehicle

Net weight of coal herewith delivered to purchaser

C. D. [here insert the name of the seller].
E. F. [here insert the name of the person in charge of the vehicle].

Where coal is delivered by means of a vehicle the seller must deliver or send by post or otherwise to the purchaser or his servant, before any part of the coal is unloaded, a ticket or note in this form.

Any seller of coal who delivers a less quantity than is stated in this ticket or note is liable to a fine.

Any person attending on a vehicle used for the delivery of coal who, having received a ticket or note for delivery to the purchaser, refuses or neglects to deliver it to the purchaser or his servant, is liable to a fine.

FOURTH SCHEDULE.

Section 32.]

Session and Chapter.	Title.	Enactments referred to.
3 Geo. 4, c. cvi.	An Act to repeal the Acts now in force relating to bread to be sold in the city of London and the liberties thereof, and within the weekly bills of mortality, and ten miles of the Royal Exchange; and to provide other regulations for the making and sale of bread, and preventing the adulteration of meal, flour, and bread, within the limits aforesaid.	Section nine.

Session and Chapter.	Title.	Enactments referred to.
6 & 7 Will 4, c. 37	An Act to repeal the several Acts now in force relating to bread to be sold out of the city of London and the liberties thereof, and beyond the weekly bills of mortality, and ten miles of the Royal Exchange; and to provide other regulations for the making and sale of bread, and for preventing the adulteration of meal, flour, and bread, beyond the limits aforesaid.	Section seven.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Section 36.]

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 49	The Weights and Measures Act, 1878.	Section sixteen. Section forty-three, from "A maker or seller of weights" to "measures under this Act." Section forty-six. Section forty-seven. Section eighty-six, so far as it re-enacts section nine of the Weights and Measures Act, 1835. The Fifth Schedule.

CHAPTER 22.

[Friendly Societies Act, 1889.]

An Act to amend the Friendly Societies Acts.
[26th July 1889.]

Be it enacted, &c.:

1. *Exemption from provisions of s. 30 of 38 & 39 Vict. c. 60 in certain cases.* Where any friendly society, by reason of its being constituted so as to receive contributions by means of collectors at a greater distance than ten miles from its registered office, is subject to the provisions of section thirty of the Friendly Societies Act, 1875, hereinafter called the principal Act, the Chief Registrar of Friendly Societies, on the application of the society, may, with the approval in each case of the Lords Commissioners of the Treasury, grant to such society a certificate of exemption from the provisions of the said section of the principal Act in any case in which he is of opinion that the society is not one to which the provisions of section thirty of the principal Act ought to apply, and he may grant such certificate whether the society applying for the same has been registered before or subsequent to the passing of this Act. Such certificate shall be subject to revocation by the Chief Registrar, with the approval in each case of the Lords Commissioners of the Treasury, but shall remain in force until so revoked, and until notice of such revocation shall have been advertised in the "London Gazette" and in some newspaper in general circulation in the county in which the registered office is situate, and also transmitted by a registered letter to the society at such registered office; and so long as the certificate is in force the society shall be subject to all the provisions and entitled to all the privileges of the Friendly Societies Act, as if it were a society within the definitions of section eight of the principal Act not receiving contributions by means of collectors at a greater distance than ten miles from the registered office.

2. *Repeal of 51 & 52 Vict. c. 66.]* The Friendly Societies Act, 1888, is hereby repealed, but this

repeal shall not affect any right acquired or act done under that Act.

3. *Construction and short title.* This Act shall be construed as one with the Friendly Societies Acts, and may be cited together with them as the Friendly Societies Acts, and may be cited separately as the Friendly Societies Act, 1889.

CHAPTER 23

[*Herring Fishery (Scotland) Act, 1889.*]

An Act to amend the Herring Fishery (Scotland) Acts; and for other purposes relating thereto. [26th July 1889.]

CHAPTER 24.

[*Master and Servant Act, 1889.*]

An Act to repeal certain Statutes, relating to Master and Servants in particular Manufactures, which have ceased to be put in force or have become unnecessary by the enactment of subsequent Statutes. [26th July 1889.]

Whereas certain statutes relating to master and servant in particular manufactures have, partly by reason of changes in the methods of manufacture and in the conditions of employment, and partly by reason of improvements in the general law, either ceased to be put in force or become unnecessary, and it is expedient with a view to the revision of the statute law, and particularly to the improvement of the revised edition of the statutes, to expressly and specifically repeal the same:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Master and Servant Act, 1889.

2. *Enactments in schedule repealed.* The enactments described in the schedule to this Act are hereby repealed.

Saving. Provided that where any enactment not comprised in the schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act:

and the repeal by this Act of any enactment shall not affect any enactment in which such enactment has been applied, incorporated, or referred to:

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered, or any existing status or capacity, or any right, title, obligation, or liability already acquired, accrued, or incurred, or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand, or any indemnity, or the proof of any past act or thing:

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's dominions out of the United Kingdom.

SCHEDULE.

ENACTMENTS which have been already REPEALED are in some instances INCLUDED in this SCHEDULE, in order to avoid the necessity of reference to PREVIOUS STATUTES.

Session and Chapter.	Title of Act.
*1 Ann. stat. 2, c. 22	An Act for the more effectual preventing the Abuses and Frauds of persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom.
2 Geo. 1, c. 17 Irish	An Act to empower Justices of the Peace to determine disputes about Servants, Artificers, Day Labourers, Wages, and other small Demands, and to oblige Masters to pay the same, and to punish Idle and Disorderly Servants.

* These references are to the Statutes Revised.

Session and Chapter.	Title of Act.	Session and Chapter.	Title of Act.
9 Geo. 1, c. 27	in part; namely, sections two, nine, and sixteen. An Act for preventing Journeymen Shoemakers selling, exchanging, or pawning Boots, Shoes, Slippers, Cut Leather, or other Materials for making Boots, Shoes, or Slippers, and for better regulating the said Journeymen.	5 Geo. 3, c. 51	Time for prosecuting for the Forfeiture appointed by the aforesaid Act in case of Payment of the Workmen's Wages in any other Manner than in Money."
12 Geo. 1, c. 34	An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages.		An Act for repealing several Laws relating to the Manufacture of Woollen Cloth in the County of York, and also so much of several other Laws as prescribes particular Standards of Width and Length of such Woollen Cloths; and for substituting other Regulations of the Cloth Trade within the West Riding of the said county, for preventing Frauds in certifying the Contents of the Cloth, and for preserving the Credit of the said Manufacture at the Foreign market.
13 Geo. 1, c. 26	An Act for better Regulation of the Linen and Hempen Manufactures in that Part of Great Britain called Scotland. in part; namely, except section eighteen.	6 Geo. 3, c. 23	An Act to amend an Act made in the last Session of Parliament, intituled "An Act for repealing several Laws relating to the Manufacture of Woollen Cloth in the County of York, and also so much of several other laws as prescribes particular Standards of Width and Length of such Woollen Cloths; and for substituting other Regulations of the Cloth Trade within the West Riding of the said County, for preventing Frauds in certifying the Contents of the Cloth, and for preserving the Credit of the said Manufacture at the Foreign Market."
13 Geo. 2, c. 8	An Act to explain and amend an Act made in the First Year of the Reign of Her late Majesty Queen Anne, intituled "An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom;" and for extending the said Act to the Manufactures of Leather.	14 Geo. 3, c. 25	An Act for the more effectual preventing Frauds and Embezzlements by Persons employed in the Woollen Manufactory.
15 Geo. 2, c. 27	An Act for the more effectual preventing any Cloth or Woollen Goods remaining upon the Rack or Tenters, or any Woollen Yarn or wooll left out to dry, from being stolen or taken away in the Night-time.	14 Geo. 3, c. 44	An Act to amend an Act made in the Twenty-second year of the Reign of his late Majesty King George the Second, intituled "An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hot Pressers, and of all Persons employed in the said several Manufactures; and for the better Payment of their Wages."
25 Geo. 2, c. 8 Irish	An Act for the better adjusting and more easy recovery of the Wages of certain Servants, and for the better regulation of such Servants and of certain Apprentices; and for the punishment of all such Owners of Coal and their Agents as shall knowingly employ and set at Work Persons retained in the service of other Coal-owners; and also that Mutual Debts between Party and Party be set one against the other. in part; namely, sections two and seven.	17 Geo. 3, c. 55	An Act for the better regulating the Hat Manufactory.
27 Geo. 2, c. 7	An Act for the more effectual preventing of Frauds and Abuses committed by persons employed in the Manufacture of Clocks and Watches.	23 Geo. 3, c. 15	An Act for rendering more effectual the Provisions contained in an Act of the Thirteenth Year of King George the First for preventing Frauds and Abuses in the Dyeing Trade. in part; namely, sections five to twelve, and section thirteen from "directed to any constable" to end of section.
29 Geo. 2, c. 12 Irish	An Act to prevent unlawful combinations of Tenants, Colliers, Miners, and others; and the sending of threatening Letters without Names, or with Fictitious Names subscribed thereto; and the malicious destruction of Carriages; and for the more effectual Punishment of wicked Persons who shall maliciously set fire to Houses or Out-houses, or to Stacks of Hay, Corn, Straw, or Turf, or to Ships or Boats. in part; namely, sections nine, ten, eleven, and twelve.	24 Geo. 3, c. 3	An Act for more effectually preventing Frauds and Abuses committed by Persons employed in the Manufactures of combing Wool, Worsted Yarn, and Goods made from Worsted in the County of Suffolk.
30 Geo. 2, c. 12	An Act to amend an Act made in the Twenty-ninth year of the reign of His present Majesty, intituled "An Act to render more effectual an Act passed in the Twelfth Year of the Reign of His late Majesty King George, to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages; and also an Act passed in the Thirteenth year of the Reign of His said late Majesty, for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein; and for limiting a	25 Geo. 3, c. 40	An Act for more effectually preventing Frauds and Abuses committed by Persons employed in the Manufactures of Combing Wool, Worsted Yarn, and Goods made from Worsted, in the Counties of Bedford, Huntingdon, Northampton, Leicester, Rutland, and Lincoln, and the Isle of Ely.
		28 Geo. 3, c. 55	An Act for the better and more effectual Protection of Stocking Frames, and the Machines or Engines annexed thereto or used therewith, and for the Punishment

Session and Chapter.	Title of Act.
	of Persons destroying or injuring of such Stocking Frames, Machines, or Engines, and the Framework, Knitted Pieces, Stockings, and other Articles and Goods used and made in the Hosiery or Framework-knitted Manufactory, or breaking or destroying any Machinery contained in any Mill or Mills used or any way employed in preparing or spinning of Wool or Cotton for the Use of the Stocking Frame.
31 Geo. 3, c. 56	An Act more effectually to prevent Abuses and Frauds committed by Persons employed in the Manufactures of combing Wool and Worsted Yarn in the County of Norfolk and City of Norwich and County of the said City.
51 Geo. 3, c. 41	An Act to repeal so much of an Act passed in the eighteenth year of the reign of King George the Second, intituled, "An Act for the more effectually preventing the stealing of Linen, Fustian, and Cotton Goods and Wares in Buildings, Fields, Grounds, and other Places used for printing, whitening, bleaching, or drying the same," as takes away the Benefit of Clergy from Persons stealing Cloth in Places therein mentioned; and for more effectually preventing such Felonies.

CHAPTER 25.

[National Portrait Gallery Act, 1889.]

An Act to provide a Site for a National Portrait Gallery, and for other purposes connected therewith. [26th July 1889.]

CHAPTER 26.

[Small Debt Amendment (Scotland) Act, 1889.]

An Act to extend and amend the Law relating to the Recovery of Small Debts in Scotland. [12th August 1889.]

CHAPTER 27.

[Advertising Stations (Rating) Act, 1889.]

An Act to amend the Law with respect to rating Places used for Advertisements. [12th August 1889.]

Whereas difficulties have arisen in relation to the assessment to poor and other rates of land used for exhibition of advertisements and it is expedient to remove the same:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Advertising Stations (Rating) Act, 1889.

2. *Definitions.* In this Act the term "owner" means the person for the time being receiving or entitled to receive the rackrent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive or be entitled to receive the same if such lands or premises were let at a rackrent; and the word "person" shall be deemed to include any body of persons whether corporate or unincorporate.

3. *Rating land used for advertisements and not otherwise occupied.* Where any land is used temporarily or permanently for the exhibition of advertisements, or for the erection of any hoarding frame post wall or structure used for the exhibition of advertisements but not otherwise occupied, the person who shall permit the same to be so used, or (if he cannot be ascertained) the owner thereof, shall be deemed to be in beneficial occupation of such land or part thereof, and shall be rateable in respect thereof to the relief of the

poor and to all local rates, according to the value of such use as aforesaid.

4. *Rating occupied hereditaments used for advertisements.* Where any land or hereditament occupied for other purposes, and rateable in respect thereof to the relief of the poor and local rates, is used temporarily or permanently for the exhibition of advertisements, or for the erection thereon or attachment thereto of any hoarding frame post wall or structure used for the exhibition of advertisements, the gross and rateable value of such land or hereditament shall be so estimated as to include the increased value from such use as aforesaid.

5. *Use of hoarding in roads for advertisements.* Where, under any power vested in them by any local or general Act, any corporation board vestry urban sanitary or other authority shall grant a licence for the temporary erection of any hoard gantry scaffold or other structure upon or over any part of any public highway, or upon or over any lands or hereditaments the property of such corporation board vestry sanitary or other authority, such corporation board vestry sanitary or other authority may include in such licence a condition or conditions prohibiting the affixing of any advertisement to any such hoard gantry scaffold or other structure, or sanctioning the affixing of advertisements thereto upon payment of such sum and on such conditions as the corporation board vestry sanitary or other authority granting the licence may determine. And any person using any such hoard gantry scaffold or other structure otherwise than as permitted by such licence shall for every offence be liable to a penalty not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such offence shall be continued after notice in writing to discontinue such use shall have been given to such person by such corporation board vestry sanitary or other authority, which penalties may be recovered in a summary way by such corporation board vestry sanitary or other authority.

The amount of any payments received or penalties recovered under this section shall be applied by the corporation board vestry sanitary or other authority receiving the same in aid of the rate levied for the repair of the highway.

6. *Application of Act to Ireland.* In the application of this Act to Ireland—

- (1.) Any land used temporarily or permanently for the exhibition of advertisements, or for the erection of any hoarding frame post wall or structure used for the exhibition of advertisements, shall be deemed to be a rateable hereditament within the meaning of the several Acts relating to the valuation of rateable property in Ireland, and shall be separately valued accordingly under the provisions of the said Acts;
- (2.) The expression "local rates" shall include grand jury cess;
- (3.) Section four shall be read and construed as if after the words "shall be so estimated" there were inserted the words "for the purposes of the several Acts relating to the valuation of rateable property in Ireland."

7. *Commencement of Act.* This Act shall come into operation on the twenty-ninth day of September one thousand eight hundred and eighty-nine.

CHAPTER 28.

[Canada (Ontario Boundary) Act, 1889.]

An Act to declare the Boundaries of the Province of Ontario in the Dominion of Canada. [12th August 1889.]

CHAPTER 29.

[Passengers Acts Amendment Act, 1889.]

An Act to amend the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863. [12th August 1889.]

Be it enacted, &c.:

1. *Short title and construction.* This Act may be cited as the Passengers Acts Amendment Act, 1889, and shall be construed together with the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863.

2. *Amendment of 18 & 19 Vict. c. 119, s. 52, 26 & 27 Vict. c. 51, s. 15.* For the purposes of the fifty-second section of the Passengers Act, 1855, and the fifteenth section of the Passengers Act Amendment Act, 1863, the term "passenger ship" shall signify every description of sea-going vessel carrying one or more passenger or passengers on any voyage from any place in Her Majesty's dominions to any place whatever.

CHAPTER 30.

[Board of Agriculture Act, 1889.]

An Act for establishing a Board of Agriculture for Great Britain. [12th August 1889.]

Be it enacted, &c.:

1. *Establishment of Board of Agriculture.* (1.) There shall be established a Board of Agriculture consisting of the Lord President of the Council, Her Majesty's Principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, the Chancellor of Her Majesty's Exchequer, the Chancellor of the Duchy of Lancaster, and the Secretary for Scotland, and such other persons (if any) as Her Majesty the Queen may from time to time think fit to appoint during her Majesty's pleasure: Provided that the Board shall not be entitled to act unless the President or one of the officers of State above-mentioned is present.

(2.) It shall be lawful for Her Majesty the Queen from time to time to appoint any member of the Privy Council to be President of the Board during Her Majesty's pleasure.

(3.) The Board shall be deemed to be established on the appointment of the President thereof.

2. *Powers and duties of Board.* (1.) There shall be transferred to the Board of Agriculture—

- (a) the powers and duties of the Privy Council under the Acts mentioned in Part One of the First Schedule to this Act;
- (b) the powers and duties of the Land Commissioners for England under the Acts mentioned in Part Two of the First Schedule to this Act or under any other Act, whether general, local and personal, or private; and
- (c) on such date as shall be fixed by the Commissioners of Her Majesty's Treasury all powers and duties vested in the Commissioners of Her Majesty's Works and Public Buildings under the Survey Act, 1870 [33 & 34 Vict. c. 13].

(2.) The Board of Agriculture shall also undertake the collection and preparation of statistics relating to agriculture, and forestry, and may also undertake the inspection of, and reporting on, any schools which are not public elementary schools, and in which technical instruction, practical or scientific, is given in any matter connected with agriculture or forestry, and the aiding of any school which admits such inspection, and in the judgment of the board is qualified to receive such aid and the aiding of any system of lectures or instruction connected with agriculture or forestry, and the inspection of and reporting on any examinations in agriculture or forestry.

(3.) The Board of Agriculture may also make or aid in making such inquiries, experiments, and research, and collect or aid in collecting such information as they may think important for the purpose of promoting agriculture or forestry.

3. *Power as to dogs.* The Board of Agriculture may from time to time make such general or special orders as they think fit for the following purposes, or any of them, that is to say—

- (a.) for prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;
- (b.) for prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs, and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention;

and the Contagious Diseases (Animals) Acts, 1878 to 1886, shall apply as if the said purposes were among the purposes mentioned in section thirty-two of the Contagious Diseases (Animals) Act, 1878 [41 & 42 Vict. c. 74].

4. *Power to transfer other powers of Government*

departments.] It shall be lawful for Her Majesty the Queen in Council from time to time by order to transfer to the Board of Agriculture such powers and duties of any Government department as are conferred by or in pursuance of any statute, and appear to Her Majesty to relate to agriculture or forestry, and to be of an administrative character ;

Provided that before any such order is made, the draft thereof shall be laid before each House of Parliament for not less than thirty days on which such House is sitting, and if either of such Houses before the expiration of such thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Provided also, that nothing in this Act contained shall in any respect affect the exclusive control of the Secretary of State in Council of India over the candidates for the Indian Forest Department at Cooper's Hill College or elsewhere.

5. Staff and remuneration and expenses.] (1.) The Board of Agriculture may from time to time appoint a secretary and such officers and servants as the Board may, with the sanction of the Treasury, determine.

(2.) There shall be paid out of money provided by Parliament to the President, if not one of the Officers of State above mentioned, nor any other Officer of State receiving a salary, the annual salary of two thousand pounds a year, and to the secretary, officers, and servants of the Board such salaries or remuneration as the Treasury may from time to time determine.

(3.) All expenses incurred by the Board of Agriculture in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury, shall be paid out of money provided by Parliament.

6. Style and seal of Board.] (1.) The Board of Agriculture may sue and be sued, and may for all purposes be described, by that name.

(2.) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of the President or some member of the Board, or of the secretary, or some person authorised by the President of the Board to act on behalf of the secretary.

(3.) In the execution and discharge of any power or duty transferred to the Board of Agriculture by or in pursuance of this Act, the Board shall adopt and use the style and seal of the Board of Agriculture and no other.

7. Proceedings of Board.] (1.) Every document purporting to be an order, licence, or other instrument issued by the Board of Agriculture, and to be sealed with the seal of the Board, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the President of the Board to act on behalf of the secretary shall be received in evidence and be deemed to be such order, licence, or instrument without further proof, unless the contrary is shewn.

(2.) A certificate signed by the President or any member of the Board of Agriculture, that any order, licence, or other instrument purporting to be made or issued by the Board is so made or issued, shall be conclusive evidence of the fact so certified.

8. Power of President to sit in Parliament.] (1.) The office of President of the Board of Agriculture shall not render the person holding the same incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament, and shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867 [30 & 31 Vict. c. 102, s. 52], Schedule H. of the Representation of the People (Scotland) Act, 1868 [31 & 32 Vict. c. 43, s. 51], and Schedule E. of the Representation of the People (Ireland) Act, 1868 [31 & 32 Vict. c. 49, s. 11].

(2.) The President of the Board of Agriculture, if not one of the officers of State above in this Act mentioned, shall take the oath of allegiance and official oath, and shall be deemed to be included in the first part of the schedule to the Promissory Oaths Act, 1868.

9. Transfer of officers.] (1.) There shall be transferred and attached to the Board of Agriculture such of the persons employed under the Privy

Council or any other Government department, in or about the execution of the powers and duties transferred by or in pursuance of this Act to the Board of Agriculture as the Privy Council, or Government department, with the sanction of the Treasury, determine.

(2.) There shall be transferred and attached to the Board of Agriculture all persons employed under the Land Commissioners for England.

(3.) The Board of Agriculture may from time to time distribute the business of the Board amongst the several persons transferred thereto in pursuance of this Act in such manner as the Board may think right, and those officers shall perform such duties in relation to that business as may be directed by the Board.

Provided that such persons shall, while they continue in office, be in no worse position as respects their tenure of office, salaries, or superannuation allowances than they would have been in if this Act had not passed.

(4.) Any Order in Council made in pursuance of this Act which transfers any powers or duties to the Board of Agriculture shall extend this section to the persons employed in or about the execution of those powers and duties.

10. Ultimate abolition of Land Commissioners.] After the establishment of the Board of Agriculture, no person shall be appointed to the office of Land Commissioner for England.

Provided that any person who holds office as Land Commissioner at the passing of this Act shall be assigned such position in or under the Board of Agriculture as Her Majesty may direct, so that he is not placed in any worse position as respects his tenure of office, salary, or superannuation allowance than he would have been in if this Act had not passed.

11. Construction of Acts and documents.] (1.) In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, or other document passed, or made before the establishment of the Board of Agriculture, but so far only as may be necessary for the exercise of the powers or the discharge of the duties by this Act, or any Order in Council made in pursuance thereof, transferred to that Board, the name of that Board shall be substituted for the Privy Council, Land Commissioners for England, Inclosure Commissioners for England and Wales, Copyhold Commissioners, Tithe Commissioners for England and Wales, or other Commissioners or Government department, as the case may require, and anything authorised or required to be done by, to, or before an Assistant Commissioner or any of the above-named Commissioners may be lawfully done by any officer of the Board of Agriculture for the time being assigned for that purpose.

(2.) Where anything has been commenced by or under the authority of the Privy Council, Land Commissioners, or other Government department, before the transfer to the Board of Agriculture of any powers or duties by or in pursuance of this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Board of Agriculture.

(3.) Where at the time of the transfer of any powers or duties by or in pursuance of this Act, any legal proceeding is pending, to which the Privy Council, Land Commissioners, or other Government department are parties, and such proceeding has reference to the powers and duties transferred by or in pursuance of this Act, the Board of Agriculture shall be substituted in such proceeding for the Privy Council, Land Commissioners, or other Government department, and such proceeding shall not abate by reason of such substitution.

12. Definitions.] In this Act—

The expression "agriculture" includes horticulture:

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "the Privy Council" means Her Majesty's Most Honourable Privy Council.

13. Repeal.] The Acts specified in the Second Schedule to this Act are, as from the date of the establishment of the Board of Agriculture, hereby repealed to the extent in the third column of that schedule mentioned.

Provided that this repeal shall not affect the tenure of office, salary, or allowance of any person holding office at the passing of this Act, and shall not affect the exercise by the Board of Agriculture of any power which at the passing of this Act can be exercised by the Land Commissioners for England, and shall not affect the validity of any order or act which prior to the date of the said establishment has been made or done by the Privy Council, and all orders of the Privy Council in force at that date in relation to the powers and duties transferred by this Act to the Board of Agriculture shall continue in force until revoked or altered by that Board.

14. Short title.] This Act may be cited as the Board of Agriculture Act, 1889.

FIRST SCHEDULE.

PART I.

Acts relating to Powers and Duties of the Privy Council transferred to Board of Agriculture.

Section 2.]

Session and Chapter.	Title.
40 & 41 Vict. c. 68	The Destructive Insects Act, 1877.
41 & 42 Vict. c. 74	The Contagious Diseases (Animals) Act, 1878.
47 & 48 Vict. c. 13	The Contagious Diseases (Animals) Act, 1884.
47 & 48 Vict. c. 47	The Contagious Diseases (Animals) Transfer of Parts of Districts Act, 1884.
49 & 50 Vict. c. 32	The Contagious Diseases (Animals) Act, 1886.

PART II.

Acts relating to Powers and Duties of Land Commissioners for England.

Tithe Rentcharge Acts.

Session and Chapter.	Title or Short Title.
6 & 7 Will. 4, c. 71	An Act for the commutation of tithes in England and Wales.
7 Will. 4 and 1 Vict. c. 69	An Act to amend an Act for the commutation of tithes in England and Wales.
1 & 2 Vict. c. 64	An Act to facilitate the merger of tithes in land.
2 & 3 Vict. c. 62	An Act to explain and amend the Acts for the commutation of tithes in England and Wales.
3 & 4 Vict. c. 15	An Act further to explain and amend the Acts for the commutation of tithes in England and Wales.
5 & 6 Vict. c. 54	An Act to amend the Acts for the commutation of tithes in England and Wales, and to continue the officers appointed under the said Acts for a time to be limited.
9 & 10 Vict. c. 73	An Act further to amend the Acts for the commutation of tithes in England and Wales.
10 & 11 Vict. c. 104	An Act to explain the Acts for the commutation of tithes in England and Wales, and to continue the officers appointed under the said Acts until the first day of October one thousand eight hundred and fifty, and to the end of the then next session of Parliament.
23 & 24 Vict. c. 93	An Act to amend and further extend the Acts for the commutation of tithes in England and Wales.
31 & 32 Vict. c. 89	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land; and to make provision towards defraying the expense of the Copyhold, Inclosure, and Tithe Office.

Session and Chapter.	Title or Short Title.
36 & 37 Vict. c. 42	The Tithe Commutation Acts Amendment Act, 1873.
40 & 41 Vict. c. iii.	The Vicar's Rate in Halifax Act, 1877.
41 & 42 Vict. c. 42	An Act to amend and further extend the Acts for the commutation of tithes in England and Wales.
42 & 43 Vict. c. clxxvi.	The London (City) Tithes Act, 1879.
44 & 45 Vict. c. cxvii.	The London (City) Tithes (St. Botolph Without, Aldgate) Act, 1881.
48 & 49 Vict. c. 32	The Tithe Rentcharge Redemption Act, 1885.
49 & 50 Vict. c. 54	The Extraordinary Tithe Redemption Act, 1886.
51 & 52 Vict. c. lxi.	The St. Botolph Without, Aldgate, Tithe Rate Act, 1888.

Copyhold Acts.

Session and Chapter.	Title or Short Title.
4 & 5 Vict. c. 35	The Copyhold Act, 1841.
6 & 7 Vict. c. 23	The Copyhold Act, 1843.
7 & 8 Vict. c. 55	The Copyhold Act, 1844.
15 & 16 Vict. c. 51	The Copyhold Act, 1852.
21 & 22 Vict. c. 94	The Copyhold Act, 1858.
31 & 32 Vict. c. 89	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land; and to make provision towards defraying the expense of the Copyhold, Inclosure, and Tithe Office.
50 & 51 Vict. c. 73	The Copyhold Act, 1887.

Inclosure of Commons and Allotments Acts.

Session and Chapter.	Short Title.
8 & 9 Vict. c. 118	The Inclosure Act, 1845.
9 & 10 Vict. c. 70	The Inclosure Act, 1846.
10 & 11 Vict. c. 111	The Inclosure Act, 1847.
11 & 12 Vict. c. 99	The Inclosure Act, 1848.
12 & 13 Vict. c. 83	The Inclosure Act, 1849.
14 & 15 Vict. c. 53	The Inclosure Commissioners Act, 1851.
15 & 16 Vict. c. 79	The Inclosure Act, 1852.
17 & 18 Vict. c. 97	The Inclosure Act, 1854.
20 & 21 Vict. c. 31	The Inclosure Act, 1856.
22 & 23 Vict. c. 43	The Inclosure Act, 1859.
31 & 32 Vict. c. 89	The Inclosure, &c., Expenses Act, 1868.
36 & 37 Vict. c. 19	The Poor Allotments Management Act, 1873.
39 & 40 Vict. c. 56	The Commons Act, 1876.
41 & 42 Vict. c. 56	The Commons (Expenses) Act, 1878.
42 & 43 Vict. c. 37	The Commons Act, 1879.
45 & 46 Vict. c. 15	The Commonable Rights Compensation Act, 1882.
50 & 51 Vict. c. 48	The Allotments Act, 1887.

Metropolitan Commons.

Session and Chapter.	Title or Short Title.
29 & 30 Vict. c. 122	The Metropolitan Commons Act, 1866.
32 & 33 Vict. c. 107	The Metropolitan Commons Amendment Act, 1869.
41 & 42 Vict. c. 71	The Metropolitan Commons Act, 1878.

Drainage and Improvement of Land Acts.

Session and Chapter.	Title or Short Title.
9 & 10 Vict. c. 101	The Public Money Drainage Act, 1846.
10 & 11 Vict. c. 11	The Public Money Drainage Act, 1847.
10 & 11 Vict. c. 38	An Act to facilitate the Drainage of Lands in England and Wales.
11 & 12 Vict. c. 119	The Public Money Drainage Act, 1848.
13 & 14 Vict. c. 31	The Public Money Drainage Act, 1850.
14 & 15 Vict. c. 91	The Public Money Drainage Act, 1851.
19 & 20 Vict. c. 9	The Public Money Drainage Act, 1856.
24 & 25 Vict. c. 133	The Land Drainage Act, 1861.
27 & 28 Vict. c. 114	The Improvement of Land Act, 1864.
30 & 31 Vict. c. 101	The Public Health (Scotland) Act, 1867.
33 & 34 Vict. c. 56	The Limited Owners Residences Act, 1870.
34 & 35 Vict. c. 84	The Limited Owners Residences Act (1870) Amendment Act, 1871.
38 & 39 Vict. c. 55	The Public Health Act, 1875.
40 & 41 Vict. c. 31	The Limited Owners, Reservoirs, and Water Supply Further Facilities Act, 1877.

Other Duties.

Session and Chapter.	Title or Short Title.
12 & 13 Vict. c. xci.	The General Land Drainage and Improvement Company's Act, 1849.
15 & 16 Vict. c. 63	An Act to alter and amend certain Acts relating to the Woods, Forests, and Land Revenues of the Crown.
16 & 17 Vict. c. cliv.	The Lands Improvement Company's Act, 1853.
18 & 19 Vict. c. lxxxiv.	The Lands Improvement Company's Amendment Act, 1855.
19 & 20 Vict. c. lxx.	The Scottish Drainage and Improvement Company's Act, 1856.
21 & 22 Vict. c. 44	The Universities and College Estates Act, 1858.
22 & 23 Vict. c. lxxxii.	The Land Improvement Company's Amendment Act, 1859.
23 & 24 Vict. c. 59	The Universities and College Estates Act Extension, 1860.
23 & 24 Vict. c. clxix.	The Land Loan and Enfranchisement Company's Act, 1860.
23 & 24 Vict. c. clxx	The Scottish Drainage and Improvement Company's Amendment Act, 1860.
26 & 27 Vict. c. cxl.	The Lands Improvement Company's Amendment Act, 1863.
29 & 30 Vict. c. 70	An Act to extend the provisions of the Acts for the inclosure, exchange, and improvement of land to certain portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorising allotments in lieu of the forestal rights of Her Majesty in and over such commons.
31 & 32 Vict. c. 118	The Public Schools Act, 1868.

Session and Chapter.	Title or Short Title.
34 & 35 Vict. c. clviii.	The Thames Valley Drainage Act, 1871.
36 & 37 Vict. c. 62	The Public Schools (Eton College Property) Act, 1873.
37 & 38 Vict. c. xxii.	The Thames Valley Drainage Act, 1874.
40 & 41 Vict. c. xxxvi.	The Somersetshire Drainage Act, 1877.
40 & 41 Vict. c. 48	The Universities of Oxford and Cambridge Act, 1877, and Statutes made thereunder.
43 & 44 Vict. c. 46	The Universities and College Estates Amendment Act, 1880.
44 & 45 Vict. c. 41	The Conveyancing and Law of Property Act, 1881.
45 & 46 Vict. c. 38	The Settled Land Act, 1882.
46 & 47 Vict. c. 61	The Agricultural Holdings (England) Act, 1883.
47 & 48 Vict. c. 67	The Improvement of Lands (Ecclesiastical Benefices) Act, 1884.
50 & 51 Vict. c. 30	The Settled Land Acts (Amendment) Act, 1887.
51 & 52 Vict. c. 20	The Globe Lands Act, 1888.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Section 13.]

Session and Chapter.	Title of Act.	Extent of Repeal.
6 & 7 Will. 4, c. 71	An Act for the Commutation of Tithes in England and Wales	Section two.
4 & 5 Vict. c. 35	The Copyhold Act, 1841	Sections one, two, four, five, seven, eight, and nine
8 & 9 Vict. c. 118	The Inclosure Act, 1845	Sections two, six, and eight
14 & 15 Vict. c. 53	The Inclosure Commissioners Act, 1851	The whole Act, except section nine
25 & 26 Vict. c. 73	An Act for continuing the Copyhold Inclosure and Tithe Commission, and entitling the Commissioners to Superannuation Allowance	The whole Act so far as unrepealed.
40 & 41 Vict. c. 68	The Destructive Insects Act, 1877	Section six.
41 & 42 Vict. c. 74	The Contagious Diseases (Animals) Act, 1878	Section eight from "the powers by this Act conferred" inclusive to the end of the section, being sub-section two, and section fifty-eight from "any Act of the Privy Council" inclusive to the end of the section, being sub-section six.
45 & 46 Vict. c. 38	The Settled Land Act, 1882	Section forty-eight down to "may require of the three several bodies of commissioners aforesaid," being the end of sub-section five, inclusive.

CHAPTER 31.

[Army and Navy Audit Act, 1889.]

An Act to make provision for the Audit of the Manufacturing and Shipbuilding and other like Accounts of the Army and Navy.

[12th August 1889.]

CHAPTER 32.

[Trust Investment Act, 1889.]

An Act to amend the Law relating to the Investment of Trust Funds.

[12th August 1889.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Trust Investment Act, 1889.2. *Extent of Act.*] This Act shall not extend to Scotland.3. *Authorised investments.*] It shall be lawful for a trustee, unless expressly forbidden by the instrument (if any) creating the trust, to invest any trust funds in his hands in manner following, that is to say:—

(a.) In any of the Parliamentary Stocks or Public Funds or Government Securities of the United Kingdom:

(b.) On Real or heritable Securities in Great Britain or Ireland:

(c.) In the Stock of the Bank of England or the Bank of Ireland:

(d.) In India Three-and-a-half per Cent. Stock and India Three per Cent. Stock, or in any other Capital Stock which may at any time hereafter be issued by the Secretary of State in Council of India, under the authority of Act of Parliament, and charged on the revenues of India:

(e.) In any securities the interest of which is or shall be guaranteed by Parliament:

(f.) In Consolidated Stock created by the Metropolitan Board of Works, or which may at any time hereafter be created by the London County Council, or in Debenture Stock created by the Receiver for the Metropolitan Police District:

(g.) In the Debenture or Rentcharge or Guaranteed or Preference Stock of any railway company in Great Britain or Ireland incorporated by special Act of Parliament, and having during each of the ten years last past before the date of investment paid a dividend at the rate of not less than three per centum per annum on its ordinary stock:

(h.) In the stock of any railway or canal company in Great Britain or Ireland whose undertaking is leased in perpetuity or for a term of not less than two hundred years at a fixed rental to any such railway company as is mentioned in sub-section (g.) either alone or jointly with any other railway company:

(i.) In the Debenture Stock of any railway company in India the interest on which is paid or guaranteed by the Secretary of State in Council of India:

(j.) In the "B." Annuities of the Eastern Bengal, the East Indian and the Scinde Punjab and Delhi Railways, and any like annuities which may at any time hereafter be created on the purchase of any other railway by the Secretary of State in Council of India, and which may be authorised by Act of Parliament to be accepted by trustees in lieu of any stock held by them in the purchased railway:

(k.) In the stock of any railway company in India upon which a fixed or minimum dividend in sterling is paid or guaranteed by the Secretary of State in Council of India:

(l.) In the Debenture or Guaranteed or Preference Stock of any company in Great Britain or Ireland, established for the supply of water for profit, and incorporated by special Act of Parliament or by Royal Charter, and having during each of the ten years last past before the date of investment paid a

dividend of not less than five pounds per centum on its Ordinary Stock:

(m.) In nominal or inscribed stock issued, or to be issued, by the corporation of any municipal borough, having according to the returns of the last census prior to the date of investment a population exceeding fifty thousand, or by any county council, under the authority of any Act of Parliament or Provisional Order:

(n.) In nominal or inscribed stock issued or to be issued by any Commissioners incorporated by Act of Parliament for the purpose of supplying water, and having a compulsory power of levying rates over an area having, according to the returns of the last census prior to the date of investment, a population exceeding fifty thousand, provided that during each of the ten years last past before the date of investment the rates levied by such Commissioners shall not have exceeded eighty per centum of the amount authorised by law to be levied:

(o.) In any of the stocks, funds, or securities, for the time being authorised for the investment of cash under the control or subject to the order of the Court:

and also from time to time to vary any such investment.

4. *Purchase at a premium of redeemable stocks.*]

(1.) It shall be lawful for a trustee under the powers of this Act to invest in any of the stocks funds shares or securities mentioned or referred to in section three of this Act, notwithstanding that the same may be redeemable, and that the price exceeds the redemption value.

(2.) Provided that it shall not be lawful for a trustee under the powers of this Act to purchase at a price exceeding its redemption value, any stock mentioned or referred to in sub-sections (g), (i), (k), (l), and (m), which is liable to be redeemed within fifteen years of the date of purchase at par or at some other fixed rate, or to purchase any such stock as is mentioned or referred to in the sub-sections aforesaid, which is liable to be redeemed at par or at some other fixed rate, at a price exceeding fifteen per centum above par or such other fixed rate.

(3.) It shall be lawful for a trustee to retain until redemption any redeemable stock fund or security which may have been purchased in accordance with the powers of this Act.

5. *Discretion of trustees.*] Every power conferred by this Act shall be exercised according to the discretion of the trustee, but subject to any consent required by the instrument (if any) creating the trust with respect to the investment of the trust funds.6. *Application of Act.*] This Act shall apply as well to trusts created before as to trusts created after the passing of this Act, and the powers hereby conferred shall be in addition to the powers conferred by the instrument, if any, creating the trust.7. *Investments of sinking fund by local authorities.*] Where the council of any county or borough or any urban or rural sanitary authority are authorised or required to invest any money for the purpose of a loans fund or a sinking fund, any enactment relating to such investment shall be modified so far as to allow such money to be invested in any of the stocks, funds, shares, or securities in which trustees are authorised by this Act to invest, except that such council or authority shall not by virtue of this section invest in any stocks, funds, shares, or securities issued or created by themselves, nor in real or heritable securities.

Provided that it shall not be lawful for any such council or authority to retain any securities which are liable to be redeemed at a fixed time at par or at any other fixed rate and are at a price exceeding their redemption value, unless more than fifteen years will elapse before the time fixed for redemption.

8. *Repeal of enactments in schedule.*] The enactments specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, but without prejudice to the validity of any act done under any enactment so repealed.9. *Interpretation.*] For the purposes of this Act the following terms have the meanings hereinafter respectively assigned to them, that is to say:—

The expression "trustee" shall include an executor or administrator and a trustee whose trust arises by construction or implication of law as well as an express trustee.

The expression "stock" shall include fully paid-up shares.

The expression "instrument" shall include a Private Act of Parliament.

The expression "the court" shall mean (except as to Irish trusts) the High Court of Justice in England, and as to Irish trusts, the High Court of Justice in Ireland.

SCHEDULE.

ENACTMENTS REPEALED.

Section 8.]

Session and Chapter.	Title.	Extent of Repeal.
4 & 5 Will. 4, c. 29	An Act for facilitating the loan of money upon landed securities in Ireland.	The whole Act.
22 & 23 Vict. c. 35	An Act to further amend the law of property and to relieve trustees.	Section thirty-two.
23 & 24 Vict. c. 38	An Act to further amend the law of property.	Section eleven.
30 & 31 Vict. c. 132	An Act to remove doubt as to the power of trustees, executors, and administrators to invest trust funds in certain securities, and to declare and amend the law relating to such investments.	The whole Act.
34 & 35 Vict. c. 47	The Metropolitan Board of Works (Loans) Act, 1871.	Section thirteen.

CHAPTER 33.

[Windward Islands Appeal Court Act, 1889.]

An Act to provide for modifying the Constitution of the Court of Appeal for the Windward Islands.

[12th August 1889.]

CHAPTER 34.

[Telegraph (Isle of Man) Act, 1889]

An Act to amend the Telegraph Acts, 1863 to 1885, and the Post Office Acts in relation to the Isle of Man.

[12th August 1889.]

CHAPTER 35.

[Prince of Wales's Children Act, 1889.]

An Act to make provision for the Support and Maintenance of the Children of His Royal Highness Albert Edward, Prince of Wales.

[12th August 1889.]

CHAPTER 36.

[Settled Land Act, 1889.]

An Act to amend the Settled Land Act, 1882.

[12th August 1889.]

Be it enacted, &c.:

1. *Construction and Short Title.*] This Act shall be construed as one with the Settled Land Acts, 1882 to 1887, and may be cited together with those Acts as the Settled Land Acts, 1882 to 1889, and separately as the Settled Land Act, 1889.2. *Option of purchase in building lease.*] Any building lease, and any agreement for granting building leases, under the Settled Land Act, 1882 [45 & 46

Vict. c. 38], may contain an option, to be exercised at any time within an agreed number of years not exceeding ten, for the lessee to purchase the land leased at a price fixed at the time of the making of the lease or agreement for the lease, such price to be the best which having regard to the rent reserved can reasonably be obtained, and to be either a fixed sum of money or such a sum of money as shall be equal to a stated number of years purchase of the highest rent reserved by the lease or agreement.

3. *Price to be capital money.* Such price when received shall for all purposes be capital money arising under the Settled Land Act, 1882.

CHAPTER 37.

[*Companies Clauses Consolidation Act, 1889.*]

An Act to amend the Companies Clauses Consolidation Act, 1888. [12th August 1889.

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Companies Clauses Consolidation Act, 1889, and shall be construed together with the Companies Clauses Consolidation Act, 1888, as part thereof, and may be cited together with that Act and the Companies Clauses Consolidation Act, 1845, as the Companies Clauses Consolidation Acts, 1845, 1888, and 1889.

2. *Amendment of s. 2 of 51 & 52 Vict. c. 48.* In line three of section two of the Companies Clauses Consolidation Act, 1888, the words "a member of" shall be repealed, and in every copy of that Act printed by the Queen's Printers after the passing of this Act those words shall be omitted.

CHAPTER 38.

[*Basutoland and British Bechuanaland Marriage Act, 1889.*]

An Act to remove Doubts as to the Validity of certain Marriages solemnized in Basutoland and in British Bechuanaland.

[12th August 1889.

CHAPTER 39.

[*Judicial Factors (Scotland) Act, 1889*]

An Act to amend and extend the Law relating to Judicial Factors and others in Scotland, and to unite the offices of the Accountant of the Court of Session and the Accountant in Bankruptcy in Scotland. [12th August 1889.

CHAPTER 40.

[*Welsh Intermediate Education Act, 1889.*]

An Act to promote Intermediate Education in Wales. [12th August 1889.

CHAPTER 41.

[*Lunacy Acts Amendment Act, 1889.*]

An Act to amend the Acts relating to Lunatics. [26th August 1889.

Whereas it is expedient to amend the law relating to lunatics:

Be it therefore enacted, &c.:

1. *Short title, commencement, and extent.* (1.) This Act may be cited as the Lunacy Acts Amendment Act, 1889, and shall come into operation, save as in this Act otherwise expressly provided, on the first day of May one thousand eight hundred and ninety, hereinafter referred to as the commencement of this Act.

(2.) Save as in this Act otherwise expressly provided, this Act shall not extend to Scotland or Ireland.

2. *Private patients to be received only under order of county court judge, magistrate, or justice.* (1.) Subject to the exceptions in this Act mentioned, no person, not being a pauper or a criminal lunatic and not being a lunatic so found by inquisition, shall be received and detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, unless under a reception order made by a

judge of county courts or magistrate, or by a justice of the peace, specially appointed as hereinafter provided, having respectively jurisdiction in the place where the lunatic is. No relative of the person applying for an order under this section or of the lunatic, or of the husband or wife of the lunatic, shall be capable of making such order.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper under the hands of two medical practitioners.

3. *Petition for order for reception.* (1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged lunatic. If not so presented, it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(2.) No person shall present a petition unless he is at least twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged lunatic.

(3.) The petitioner shall in the petition undertake that he will personally, or by someone specially appointed by him, visit the patient once at least in every six months; and the undertaking shall be recited in the order.

(4.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

(5.) One of the medical certificates accompanying the petition shall, whenever practicable, be under the hand of the usual medical attendant, if any (being a medical practitioner), of the alleged lunatic. If for any reason it is not practicable to obtain a certificate from such usual medical attendant, the reason shall be stated in writing by the petitioner to the judge, magistrate, or justice to whom the petition is presented, and such statement shall be deemed to be part of the petition.

(6.) No order shall be made upon a petition under this section, unless each of the persons who sign the medical certificates accompanying the petition shall, separately from the other, have personally examined the persons to whom the petition relates not more than seven clear days previously to the date of the presentation of the petition.

4. *Procedure upon petition for an order for reception.* (1.) Upon the presentation of the petition the judge, magistrate, or justice shall consider the allegations in the petition and statement of particulars and the evidence of lunacy appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged lunatic; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly; or, if not so satisfied, he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other inquiries or of concerning the alleged lunatic as he may think fit; notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a registered letter addressed to him at his address as given in the petition.

(2.) The judge, magistrate, or justice, if not satisfied with the evidence of lunacy appearing by the medical certificates, may, if he shall think it necessary so to do, visit the alleged lunatic at the place where he may happen to be.

(3.) The judge, magistrate, or justice shall have the same jurisdiction and powers as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers, as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

(4.) The petition shall be considered in private, and no one except the petitioner, the alleged lunatic (unless the judge, magistrate, or justice in his discretion otherwise order), any one person appointed by the alleged lunatic for that purpose, and the persons signing the medical certificates accompanying the petition, shall, without the leave of the judge, magistrate, or justice, be present at the consideration thereof.

(5.) At the time appointed for consideration of the petition the judge, magistrate, or justice may make an order thereon or dismiss the same, or, if he shall think fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he may think fit of the adjourned consideration, and summon any persons to attend before him.

(6.) Every judge, magistrate, and justice, and all persons admitted to be present at the consideration of any petition for a reception order, or otherwise having official cognisance of the fact that a petition has been presented, except the alleged lunatic and the person appointed by the alleged lunatic as aforesaid, shall be bound to keep secret all matters and documents which may come to his or their knowledge by reason thereof, except when required to divulge the same by lawful authority.

5. *Dismissal of petition.* (1.) If the petition is dismissed, the judge, magistrate, or justice shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the Commissioners, and shall also, where the alleged lunatic is detained under an urgency order, send notice by post or otherwise to the person in whose charge the alleged lunatic is, that the petition has been dismissed.

(2.) Any judge, magistrate, or justice making or refusing a reception order, shall, if so required by the Commissioners, give to them all such information as they may require as to the circumstances under which the order was made or refused.

(3.) The Commissioners may communicate such information as they think proper, on the dismissal of the petition or the release of the alleged lunatic, to him or to any person who may satisfy them that he is a proper person to receive the information.

(4.) If after a petition has been dismissed another petition is presented as to the same alleged lunatic, the person presenting such other petition so far as he has any knowledge or information with regard to the previous petition and its dismissal, shall state the facts relating thereto in his petition, and shall obtain from the Commissioners at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanour.

6. *Orders for reception.* (1.) A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorised by him to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

(2.) The order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered or sent by post to the person on whose petition the order was made, and shall by him or his agent be delivered to the superintendent or proprietor of the asylum, hospital, or licensed house in which, or to the person by whom, the lunatic is to be received.

(3.) A reception order shall not continue in force unless the lunatic has been taken or received thereunder before the expiration of seven clear days from its date.

7. *Certain provisions of Lunacy Acts applied and excepted.* (1.) The person upon whose petition a reception order has been made shall, with reference to the lunatic to whom the order relates, have and be subject to all such authorities, powers, obligations, and liabilities as are by the Lunacy Acts conferred or imposed upon the person signing an order for the reception of a lunatic not being a pauper.

(2.) The provisions of sections four and eight of the Lunacy Act, 1853 [16 & 17 Vict. c. 96, ss. 4, 8], and section seventy-four of the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97, s. 74] prohibiting the reception of a private patient unless the medical practitioners who sign the certificates accompanying the order for his recep-

tion have personally examined him not more than seven clear days previously to his reception, shall not apply to an order made upon a petition under this Act.

(3.) The provisions of this Act as to reception orders shall not affect the provisions of section sixty-eight of the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97, s. 68], as to lunatics or alleged lunatics, not paupers, who are wandering at large.

8. *Urgency orders.* (1.) In cases of urgency where it is expedient, either for the welfare of a person (not a pauper) alleged to be a lunatic or for the public safety, that the alleged lunatic should be forthwith placed under care and treatment, he may be received and detained in an asylum, hospital, or licensed house, or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged lunatic, accompanied by one medical certificate under the hand of a medical practitioner.

(2.) No person shall be received under an urgency order under this section unless the medical practitioner who signs the certificate accompanying the order has personally examined the person to whom the certificate relates not more than two clear days previously to the reception of such person, and states the date of such examination in the certificate.

(3.) An urgency order may be signed before or after the medical certificate.

(4.) If an urgency order is not signed by the husband or wife or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed and of the connection with the alleged lunatic of the person signing the order, and the circumstances under which he signs the same.

(5.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged lunatic.

(6.) An urgency order may be made as well after as before a petition for a reception order has been presented or an application made to the Judge in Lunacy, in cases where the reception order is to be made by the Judge in Lunacy under this Act. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judge, magistrate, or justice to whom the petition has been presented.

(7.) An urgency order shall remain in force for seven days from its date; or if a petition for a reception order or application to the Judge in Lunacy is pending, then until the petition or application is finally disposed of.

(8.) An urgency order accompanied by such medical certificate as aforesaid, if the same respectively appear to be in conformity with this Act, shall be sufficient authority for taking the lunatic and conveying him to the place mentioned in the order, and for his reception and detention therein.

(9.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

9. *Right of lunatic to be examined by judge, magistrate, or justice.* (1.) When a lunatic has been received as a private patient under an order of a judge of county courts, magistrate, or justice, without a statement in the order that the patient has been personally seen by such judge, magistrate, or justice, the patient shall have the right to be taken before or visited by a judge, magistrate, or justice, other than the judge, magistrate, or justice who made the order, unless the medical superintendent of the asylum or hospital, or the medical proprietor or attendant of the house, or, in the case of a single patient, his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the Commissioners, shall state that the exercise of such right would be prejudicial to the patient.

(2.) Where no such certificate has been signed and sent, the superintendent or proprietor of the asylum, hospital, or house in which the patient is, or the person having charge of him as a single patient, shall, within twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his

desire to exercise the right, such superintendent, proprietor, or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a registered letter to the judge, magistrate, or justice, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the lunatic is, to be by him transmitted to such judge, magistrate, or justice, and the judge, magistrate, or justice shall thereupon arrange, as soon as conveniently may be, either to visit the patient or to have him brought before him by the superintendent, proprietor, or person as the judge, magistrate, or justice may think fit.

(3.) The judge, magistrate, or justice shall be entitled, if he desires so to do, to see the medical certificates and any other documents, upon the consideration of which the reception order was made, and shall after personally seeing the patient send to the Commissioners a report, and the Commissioners shall take such steps as may be necessary to give effect to the report.

(4.) For the purposes of this section the jurisdiction shall be exercised by any judge, magistrate, or justice having authority to act in the place where the person received is, and not being the judge, magistrate, or justice who made the reception order; and arrangements shall for that purpose from time to time be made amongst themselves by the persons having such authority as aforesaid.

(5.) If any superintendent of an asylum or hospital, or any superintendent or proprietor of a licensed house, or any person having charge of a single patient, omits to perform any duty imposed upon him by this section, he shall be guilty of a misdemeanour.

10. *Appointment of justices to make orders for reception of lunatics.* (1.) The justices of every county and quarter sessions borough, at their Michaelmas quarter and special sessions respectively, to be held in the year one thousand eight hundred and eighty-nine and in every succeeding year, shall appoint out of their own body as many fit and proper persons as they may deem necessary to exercise during the ensuing year within the county and borough respectively, the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof.

(2.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor, by writing under his hand, to make the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor shall be satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(3.) If in the case of a borough, not having a separate quarter sessions, representation is made to the Lord Chancellor that public inconvenience is likely to result, unless power is given to the justices of such borough to exercise within the same the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers, it shall be lawful for the Lord Chancellor from time to time, with or without a fresh representation, to nominate and appoint, by writing under his hand, one or more of the justices of such borough to exercise within the same during such time as the Lord Chancellor shall think fit the powers aforesaid, together with any other specially appointed justices acting therein.

(4.) In the case of the death, absence, inability, or refusal to act of any justice appointed under this section, the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place.

(5.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough, not having a separate quarter sessions, by the clerk to the justices, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional

division of the county and otherwise for the information of all persons interested.

(6.) For the purposes of this section "county" does not include a county of a city or a county of a town (except the city of London), but includes any county, riding, division, part or liberty of a county having a separate court of quarter sessions, and "borough" means a borough subject to the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50].

11. *Ordinary jurisdiction of judge, &c., not to be interfered with.* A judge of county courts and magistrate shall not be required to exercise any powers under this Act so as to interfere with or delay the exercise of his ordinary jurisdiction.

12. *Protection to persons signing and carrying out orders, reports, and certificates.* (1.) A person who before the passing of this Act has signed or carried out or done any act with a view to sign or carry out an order purporting to be a reception order, or a medical certificate that a person is of unsound mind, and a person who after the passing of this Act presents a petition for any such order, or signs or carries out or does any act with a view to sign or carry out an order purporting to be a reception order, or any report or certificate purporting to be a report or certificate under this Act, or does anything in pursuance of this Act, shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction, or on any other ground, if such person has acted in good faith and with reasonable care.

(2.) If any proceedings are taken against any person for signing or carrying out or doing any act with a view to sign or carry out any such order, report, or certificate, or presenting any such petition as in the last preceding sub-section mentioned, or doing anything in pursuance of this Act, such proceedings may, upon summary application to the High Court of Justice or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

(3.) This section shall come into force immediately after the passing of this Act.

13. *Lunatics not under proper care and control or cruelly treated or neglected.* (1.) Every constable, relieving officer, and overseer of a parish, who has knowledge that any person within the district or parish of the constable, relieving officer, or overseer, who is not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice specially appointed under this Act.

(2.) Any specially appointed justice upon the information on oath of any person whomsoever, that a person within the limits of his jurisdiction, not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged lunatic, and shall, whether making such visit or not, direct and authorise any two medical practitioners whom he shall think fit to visit and examine the alleged lunatic and to certify their opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged lunatic the same power, as if a petition for a reception order had been presented by the person by whom the information with regard to the alleged lunatic has been sworn.

(3.) If upon the certificates of the medical practitioners who examined the alleged lunatic, or after such other and further inquiry as the justice may think necessary, he is satisfied that the alleged lunatic is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order direct the lunatic to be received and detained in any asylum to which, if a pauper, he might be sent under the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97], or (where by that Act authorised)

in a hospital or licensed house, and the constable, relieving officer, or overseer upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey the lunatic to the asylum, hospital, or licensed house named in the order.

(4) A justice making an order under this section may suspend the execution of the order for such period not exceeding fourteen days as he may think fit, and in the meantime may give such directions or make such arrangements for the proper care and control of the lunatic as he may consider proper.

(5) If either of the medical practitioners who examines an alleged lunatic under this section certifies in writing that the lunatic is not in a fit state to be removed, the removal shall be suspended until the same or some other medical practitioner certifies in writing that the lunatic is fit to be removed; and every medical practitioner who has certified that the lunatic is not in a fit state to be removed shall, as soon as in his judgment the lunatic is in a fit state to be removed, be bound to certify accordingly.

(6) This section shall not restrain or prevent any relative or friend from retaining or taking care of a lunatic as to whom an order might be or has been made under this section, if the relative or friend satisfies the justice before whom the information as to the lunatic has been sworn, that he will be properly taken care of.

(7) A constable, relieving officer, or overseer whose duty it is to lay an information under this section may exercise the powers conferred by section two of the Lunacy Act, 1885 [48 & 49 Vict. c. 52], as if it were his duty to lay such information under the Lunatic Asylums Act, 1853, and the powers conferred by section three of the Lunacy Act, 1885, may be exercised by any justice in any case where an order might be made by him under this section.

14. Fresh order and certificates not to be required in certain cases.] (1) Where a reception order has been made, and the execution of the order has been suspended, or the lunatic named in the order has been taken to a workhouse under section three of the Lunacy Act, 1885, he may be received in the asylum, hospital, or house at any time within fourteen days after the date of the reception order without a fresh order or certificates.

(2) If the removal of the lunatic has been suspended by reason of a medical certificate that the lunatic is not in a fit state for removal, the lunatic may be received into the asylum, hospital, or house within three days after the date of a medical certificate that the lunatic is in a fit state to be removed.

15. Persons disqualified from signing certificates.] A medical certificate accompanying a petition for a reception order or accompanying an urgency order, shall not be signed by the petitioner or person signing the urgency order, or by the husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of such petitioner or person.

16. Patients not to be received under certificates by interested persons.] (1) No person shall be received or detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, where any certificate accompanying the reception order has been signed by any of the following persons:

- (a.) The superintendent or proprietor of the asylum, hospital, or house, or the person who is to have charge of the single patient;
- (b.) Any person interested in the payments on account of the patient;
- (c.) Any regular medical attendant in the asylum, hospital, or house;
- (d.) The husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant of any of the foregoing persons.

(2) Neither of the persons signing the medical certificates in support of a petition for a reception order, shall be the father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-

in-law, sister or sister-in-law, or the partner or assistant, of the other of them.

(3) No person shall be received as a lunatic in a hospital under an order made on the application of, or under a certificate signed by, a member of the managing committee of the hospital.

(4) The superintendent and proprietor of any asylum, hospital, or house, and any person having charge of a single patient, who knowingly receives a person as a lunatic contrary to the provisions of this Act shall be guilty of a misdemeanour.

17. Medical certificate.] (1) Every medical certificate shall be signed by the person making the same.

(2) Every medical certificate accompanying an urgency order shall contain a statement, that it is expedient for the welfare of the alleged lunatic or for the public safety that he should be forthwith placed under care and treatment, with the reasons for the statement.

(3) Every medical certificate made under and for the purposes of this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioners on such facts, as if the matters therein appearing had been verified on oath.

18. Order for reception of lunatic so found by inquisition.] Where a person has been found lunatic by inquisition, but no committee of the person has been appointed, an order under the hand of one of the Masters in Lunacy shall be sufficient authority for the reception of the lunatic into an asylum, hospital, or licensed house, or as a single patient.

19. Persons disqualified from signing orders as to paupers.] After the commencement of this Act no pauper shall be received as a lunatic into any asylum, hospital, or licensed house under an order under the hands of an officiating clergyman and overseer or relieving officer.

20. When lunatic may be treated as a pauper.] After the commencement of this Act a justice of the peace shall not sign an order for the reception of any person as a pauper lunatic into an asylum, hospital, licensed house, or workhouse unless the justice is satisfied that the alleged pauper is either in receipt of relief or in such circumstances as to require relief for his proper care. If it shall appear by the order that the justice is so satisfied, such lunatic shall be deemed to be a pauper chargeable to the union, county, or borough properly liable for his relief under the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97]. A person who is visited by a medical officer of the union at the expense of the union is for the purposes of this section to be deemed to be in receipt of relief.

21. Lunatics in workhouses.] (1) Except in the cases mentioned in the Lunacy Act, 1885 [48 & 49 Vict. c. 52], and this Act, no person shall be allowed to remain in a workhouse as a lunatic unless the medical officer of the workhouse certifies in writing—

- (a.) that such person is a lunatic, with the grounds for the opinion;
- (b.) that he is a proper person to be allowed to remain in a workhouse as a lunatic;
- (c.) that the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate.

(2) A certificate under this section shall be sufficient authority for detaining the lunatic therein named against his will in the workhouse for fourteen days from its date.

(3) No lunatic shall be detained against his will or allowed to remain in a workhouse for more than fourteen days from the date of a certificate under this section without an order under the hand of a justice of the peace having jurisdiction in the place where the workhouse is situate.

(4) The order in the last preceding sub-section mentioned may be made upon the application of a relieving officer of the union to which the workhouse belongs, supported by a medical certificate under the hand of a medical practitioner, not being an officer of the workhouse, and by the

certificate under the hand of the medical officer of the workhouse herein-before mentioned.

(5) The guardians of the union to which the workhouse belongs shall pay such reasonable remuneration as they think fit to the medical practitioner who, not being an officer of the workhouse, examines a person for the purpose of a certificate under this section.

(6) If, in the case of a lunatic being in a workhouse, the medical officer thereof shall not sign such certificate as in this section mentioned, or if at or before the expiration of fourteen days from the date of the certificate an order is not made under the hand of a justice for the detention of the lunatic in the workhouse, or, if after such an order has been made, the lunatic shall cease to be a proper person to be detained in a workhouse, the medical officer of the workhouse shall forthwith give notice in writing to a relieving officer of the union to which the workhouse belongs that a pauper in the workhouse is a lunatic and a proper person to be sent to an asylum, and thereupon the like proceedings shall be taken by the relieving officer and all other persons for the purpose of removing the lunatic to an asylum, and within the same time, as by the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97], provided in the case of a pauper deemed to be a lunatic and a proper person to be sent to an asylum, and, pending such proceedings, the lunatic may be detained in the workhouse.

(7) If the medical officer of a workhouse omits to give such notice to a relieving officer as by the last preceding sub-section provided he shall for each day or part of a day after the first day and before the notice is given during which the alleged lunatic remains in the workhouse be liable to a penalty not exceeding ten pounds.

(8) Every relieving officer who fails to perform the duty by this section imposed upon him shall for each offence be liable to a penalty not exceeding ten pounds.

(9) The guardians of the union, to which a workhouse belongs, may direct that any lunatic detained therein be discharged or removed therefrom.

(10) For the purposes of this section an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867 [30 & 31 Vict. c. 6], shall be deemed to be a workhouse, and the managers of such asylum shall exercise the powers and perform the duties by this section conferred and imposed upon the guardians of the union to which a workhouse belongs, and notices to be given to and proceedings to be taken by a relieving officer shall in the case of a lunatic in any such asylum be given to and taken by one of the officers of the asylum to be nominated for the purpose by the managers of the asylum.

(11) An order under section three of the Lunacy Act, 1885 [48 & 49 Vict. c. 52], shall not authorise the detention of a lunatic after the expiration of fourteen days from its date, except under the conditions mentioned in this section.

(12) As regards every pauper in a workhouse at the date of the commencement of this Act, as to whom a certificate has been signed under section twenty of the Lunacy Acts Amendment Act, 1862, no certificate or order of a justice under this section shall be required.

22. Power to send discharged pauper not recovered to a workhouse.] Where a pauper lunatic is discharged from an asylum, hospital, or licensed house, and the medical officer of the asylum or the medical attendant of the hospital or house is of opinion that the lunatic has not recovered and is a proper person to be kept in a workhouse as a lunatic, the medical officer or medical attendant shall certify such opinion, and his certificate shall accompany the notice of discharge, and the lunatic may thereupon be received and detained against his will in a workhouse without further order if the medical officer of the workhouse certifies in writing that the accommodation in the workhouse is sufficient for the lunatic's proper care and treatment, separate from the inmates of the workhouse not lunatics, or that the lunatic's condition is such that it is not necessary for the convenience of the lunatic, or of the other inmates, that he should be kept separate.

23. Mis-statement to be a misdemeanor.] (1) Any person who makes a wilful misstatement of any

material fact in any petition, statement of particulars, or reception order under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(2) Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(3) No prosecution for a misdemeanor under this section shall take place except by order of the Commissioners or by the direction of the Attorney General or the Director of Public Prosecutions.

24. Amendment of orders and certificates.] (1.) If any order or medical certificate for the reception of a lunatic shall after such reception be found to be in any respect incorrect or defective, such order or certificate may, within fourteen days next after such reception, be amended by the person who signed the same. No amendment shall be allowed unless the same shall receive the sanction of the Commissioners, or of some one of them, and (in the case of a private patient) the consent of the judge, magistrate, or justice by whom the order for the reception of the lunatic may have been signed.

(2.) If the Commissioners deem any such certificate to be incorrect or defective, they may, by a direction in writing, addressed to the superintendent or proprietor of the asylum, hospital, or licensed house, or to the person having the charge of a single patient, require the same to be amended by the person who signed the same, and, if the same be not duly amended to their satisfaction within fourteen days next after the reception of the patient, the Commissioners, or any two of them, may, if they think fit, make an order for the patient's discharge.

(3.) Every order and certificate amended under this section shall take effect as if the amendment had been contained therein when it was signed.

25. Power to order payment of remuneration to medical practitioner, and of expenses.] (1.) Whenever a justice directs an alleged lunatic, whether a pauper or not, to be examined by any medical practitioner, the justice directing the examination, or any other justice having jurisdiction in the place where the examination took place, may make an order upon the guardians of the union named in the order for payment of such reasonable remuneration to the medical practitioner, and of all such other reasonable expenses in and about the examination, and the inquiry whether an order for the reception of the alleged lunatic ought to be made, and also if an order for reception is made for payment of such reasonable expenses of carrying the order into effect, as the justice may think proper.

(2.) The guardians upon whom an order is made under this section may recover any sums paid thereunder against the lunatic or alleged lunatic and his estate, and the person or authority legally liable for his maintenance, as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

26. Power to recover expenses against lunatic's estate.] (1.) If it appears to any two justices that a lunatic, chargeable to any union, county, or borough, has any real or personal property more than sufficient to maintain his family, if any, such two justices may by order direct a relieving officer of the union, or the treasurer or some other officer of the county or borough, to seize so much of any money, and to seize and sell so much of any other personal property of the lunatic, and to receive so much of the rents of any land of the lunatic as the justices may think sufficient to pay any charges incurred or to be incurred in providing for the examination, removal, maintenance, clothing, medicine, and care of the lunatic.

(2.) If any trustee, or the Bank of England, or any other company, society, or person, having possession of any property of a lunatic, shall pay or deliver to a relieving officer of a union, or to the treasurer or other officer of the county or borough to which respectively a lunatic is chargeable, any money or other property of the lunatic, to repay the charges in this section mentioned, whether pursuant to an order under this section, or without an order, the receipt of such relieving officer, treasurer, or officer, shall be a good discharge.

27. Application of Lunacy Acts to reception orders,

gc.] Subject to the modifications made by this Act, the provisions of the Lunacy Acts shall apply to reception orders and to medical certificates under this Act.

28. Change of classification of patient.] In the case of a pauper patient afterwards classified as a private patient, the power of ordering his discharge may be exercised by the person who would have been entitled by law to order such discharge, if such patient had been originally admitted as a private patient, and the person who signed the order or presented the petition for the reception order were dead, or if there is no person who would have been so entitled or no such person able or willing to act, then by the Commissioners.

29. Reports upon and visits to private patients.] (1.) The medical superintendent of every asylum or hospital, and the medical proprietor or attendant of every licensed house, and the medical attendant of every single patient, shall at the expiration of one month after the reception of a private patient prepare and send to the Commissioners a report as to the mental and bodily condition of the patient, in such form as the Commissioners may from time to time direct.

(2.) The medical proprietor or attendant of every house licensed by justices shall also at the same time send a copy of such report to the clerk of the visitors of licensed houses in the county or borough where the house is situate to be by him laid before the visitors.

(3.) The Commissioners, after receiving the report upon any patient in a licensed house within their immediate jurisdiction, shall make arrangements for a visit being paid as soon as conveniently may be to the patient by one or more of the Commissioners; and the Commissioner or Commissioners so visiting shall report to the Commissioners whether the detention of the patient is or is not proper.

(4.) The visitors, after receiving the report, shall, in every case of a private patient in a licensed house in the county or borough for which the visitors are appointed, make arrangements for a visit being paid by the medical visitor (either alone or with one or more of the other visitors) to the patient therein named for such purpose as aforesaid, as soon as conveniently may be; and if on such visit there shall appear to be any doubt as to the propriety of the detention of the patient, such visitor or visitors shall forthwith report the same in writing to the Commissioners, who shall thereupon make all such further inquiries as may be necessary to satisfy themselves whether the patient is properly detained as a lunatic, or whether he ought to be discharged, or whether the case ought to be reported to the Lord Chancellor with a view to an inquisition.

(5.) In the case of a single patient the Commissioners, after receiving the report, shall either make arrangements for a visit being paid as soon as conveniently may be to the patient therein named by one or more of the Commissioners, or, if no Commissioner is available, shall cause a copy of the report to be sent to a medical visitor for the county or borough in which the single patient resides, or to some other competent person, and shall direct him to visit the patient therein named as soon as conveniently may be. The Commissioner or Commissioners, or other person visiting the patient, shall report to the Commissioners whether his detention is or is not proper.

(6.) The person directed to visit a single patient under the last preceding sub-section shall for that purpose have all the powers of a Commissioner, and the Commissioners may, with the consent of the Treasury, pay to him such reasonable remuneration for his services as they think fit out of any funds which may be provided by Parliament to defray the general expenses of the Commissioners.

(7.) In the case of a private patient in an asylum or hospital the Commissioners, after receiving the report, shall either make arrangements for a visit being paid, as soon as conveniently may be, to the patient therein named by one or more of the Commissioners, who shall report to the Commissioners whether the detention of the patient is or is not proper; or the Commissioners shall send a copy of the report to the clerk to the committee of visitors of the asylum or to the managing committee of the hospital, and one or more members of the

committee shall thereupon, as soon as conveniently may be, visit the patient named in the report and report to the committee whether his detention is or is not proper, and the committee, or any three of them, may, upon consideration of such last-mentioned report, by writing under their hands discharge the patient or give such directions with regard to him as they think fit.

(8.) If within a month after the reception of any private patient, the asylum, hospital, licensed or other house into which he was received is visited by one or more Commissioners or by any visitors, and such patient is there seen and examined by him or them, and the propriety of his detention reported on in like manner as by this section provided, no special visit shall necessarily be paid to such patient after receipt of any such report.

(9.) If the Commissioners in any case under this section determine that a patient ought to be discharged they may make an order for his discharge.

(10.) The reports to be furnished under this section shall be in addition to the reports or statements which by the Lunacy Acts are required to be furnished.

30. Duration of orders for reception.] (1.) Any reception order, whether it relates to a pauper or not, dated after or within three months before the commencement of this Act, shall expire at the end of one year from its date, and any such order dated three months or more before the commencement of this Act shall expire at the end of one year after the commencement of this Act unless such orders respectively are continued as herein-after provided.

(2.) In the case of any asylum, hospital, or licensed house the Commissioners may by order under their seal from time to time direct that the reception orders of patients detained therein shall, unless continued as herein-after provided, expire on any quarterly day next after the days on which the orders would expire under the last preceding subsection.

(3.) An order for the removal of a patient from one custody to another shall not be deemed to be a reception order within this section, but the patient who is removed shall after removal be deemed to be detained under the original reception order as a lunatic, and such order shall expire in accordance with the provisions of this section unless continued as herein-after provided.

(4.) An order for the reception of a patient, whether a pauper or not, into an asylum, hospital, or licensed house, or as a single patient, shall remain in force for a year after the date by this Act or by an order of the Commissioners appointed for it to expire, and thereafter for two years and thereafter for three years, and after the end of such periods of one, two, and three years for successive periods of five years, if at the end of each period of one, two, three, and five years respectively a special report of the medical superintendent of the asylum or hospital or the medical proprietor or attendant of the licensed house or of the medical attendant of the single patient as to the mental and bodily condition of the patient with a certificate under his hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the Commissioners in manner herein-after directed. Such report shall be sent to the Commissioners not more than one month and not less than seven days before the end of each period.

(5.) The person sending the special report shall give to the Commissioners such further information concerning the patient to whom the special report relates as they may require.

(6.) If in the opinion of the Commissioners the special report does not justify the accompanying certificate, then—

(a.) In the case of a patient in a hospital or licensed house or under care as a single patient, the Commissioners shall make further inquiry, and if dissatisfied with the result they or any two of them may by order direct his discharge;

(b.) In the case of a patient in an asylum, the Commissioners shall send a copy of the report, with any other information in their possession relating to the case, to the clerk to the committee of visitors of the asylum,

and the committee, or any three of them, shall thereupon investigate the case and may discharge the patient or give such directions respecting him as they may think proper.

(7.) The superintendent of any asylum, and the superintendent or proprietor of any hospital or house, and any person having charge of a single patient, who detains a patient after he has knowledge that the order for his reception has expired, shall be guilty of a misdemeanor.

(8.) The special reports and certificates under this section may include and refer to more than one patient, and such reports shall be in such form as the Commissioners may, with the approval of the Lord Chancellor, from time to time direct.

(9.) A certificate under the hand of the secretary to the Commissioners that an order for the reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

31. Powers of discharge and removal.] (1.) Two of the Commissioners, one of whom shall be a medical, and the other a legal Commissioner, may visit a patient detained in any hospital or licensed house, or as a single patient, and may, within seven days after their visit, if the patient appears to them to be detained without sufficient cause, make an order for his discharge, with the like consequences as follow an order by the Lord Chancellor for the discharge of a single patient under section eighteen of the Lunacy Act, 1853 [16 & 17 Vict. c. 96, s. 18].

(2.) Upon the death of a person having charge of a single patient the Commissioners may, upon the application of the person having authority to discharge the patient, or, if he does not apply within seven days after the death, upon their own motion, by order direct the patient to be placed in the charge of the person named in the order, and such order shall have the same effect as an order of transfer made under the powers of section twenty of the Lunacy Act, 1853 [16 & 17 Vict. c. 96].

(3.) The Commissioners or any two of them may at any time by order direct the removal of a lunatic from the charge of any person under whose care he is as a single patient to the charge of any other person or to any asylum, hospital, or licensed house.

32. Removal for health or on trial, and transfer.] (1.) The consent in writing of one Commissioner shall be sufficient for the exercise of the powers conferred by section eighty-six of the Lunacy Act, 1845 [8 & 9 Vict. c. 100], sections twenty and twenty-two of the Lunacy Act, 1853 [16 & 17 Vict. c. 96], and section thirty-eight of the Lunacy Act, 1862 [25 & 26 Vict. c. 111].

(2.) The medical superintendent of a hospital, or the medical superintendent or proprietor of a licensed house, may, of his own authority, permit a patient to be absent from such hospital or house for a period not exceeding forty-eight hours without giving notice of such absence to the Commissioners, and during such absence the order for reception shall remain in force.

33. Chargeability of lunatic becoming pauper.] (1.) Where a lunatic in an asylum, hospital, or licensed house becomes destitute he shall be deemed to be chargeable to the union from which he was brought until it has been established in the manner provided by the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97], that the lunatic is settled in some other union or that it cannot be ascertained in what union the lunatic was settled; and the superintendent or proprietor of the asylum, hospital, or house shall forthwith give to the authority liable for his maintenance notice that the lunatic has become destitute.

(2.) The words "if any pauper lunatic be not settled in the parish from which" are hereby substituted for the words "if any pauper lunatic be not settled in the parish by which" in section ninety-eight of the Lunatic Asylums Act, 1853.

34. Single patients.] Any two Commissioners may direct that the medical attendant of a single patient shall cease to act in that capacity, and that some other person be employed in his place.

(2.) If the person having charge of the patient fails to give effect to the direction by causing the patient to be visited by some other medical practitioner he shall be guilty of a misdemeanor.

(3.) One or more of the Commissioners shall once at least in every year visit every unlicensed house

in which a single patient is detained as a lunatic, and inquire and report to the Commissioners on the treatment and state of bodily and mental health of the patient.

(4.) Any Commissioner visiting an unlicensed house may inspect every part of the house and the grounds belonging thereto.

(5.) If the person having charge of a single patient refuses to show to any Commissioner at his request any part of the house wherein the single patient resides, or any part of the grounds belonging thereto, he shall be guilty of a misdemeanor.

(6.) In the case of any person having charge of a single patient, if the Commissioners are satisfied that it is desirable, under special circumstances, and for the interest of the patient, that another patient, or more than one other, should reside in the same house, that person may, with the approval of the Commissioners, receive such other patient or patients on the same terms and conditions in all respects as if each of them were a single patient.

35. Person deriving profit from charge of lunatic.]

A person who for payment takes charge of or receives to board or lodge or otherwise any other person as a lunatic or alleged lunatic, shall be deemed to be a person deriving profit from the charge of a lunatic within the meaning of the Lunacy Act, 1845 [8 & 9 Vict. c. 100, s. 92].

36. Discharge upon recovery.] The notice by section nineteen of the Lunacy Act, 1853 [16 & 17 Vict. c. 96], required to be sent upon the recovery of a patient, shall state that unless the patient is removed within seven days from the date of the notice he will be discharged. If the patient is not removed within seven days from the date of the notice he shall be forthwith discharged without further order.

37. Power to appoint substitute for the person who signed or applied for order of reception.] (1.) The Commissioners may by order under this section substitute for the person who signed the reception order of a private patient, or for the person upon whose petition or application any such order was obtained, and either during the life of such person or after his death, any other person who is willing to undertake the duties and responsibilities of the person who signed or obtained the order.

(2.) As from the date of an order by the Commissioners under this section the substituted person shall be subject to all the obligations and may exercise all the powers and authorities in relation to the patient of the person for whom he is substituted.

(3.) The substitution shall not release the person who signed or obtained the reception order or his estate from any liabilities already incurred by him.

(4.) An order under this section may be made with or without the consent of the person who signed or obtained the reception order, but in the last-mentioned case the order shall not be made during his life until fourteen days after the Commissioners have given to him notice in writing of their intention to take into consideration the advisability of making an order under this section and of the name of the person proposed to be substituted.

(5.) Within fourteen days after receipt of the notice the person to whom the notice is given may lay before the Commissioners a statement in writing of his reasons why an order under this section should not be made, or he may appear in person before the Commissioners at such time and place and subject to such restrictions as the Commissioners may appoint for the purpose of stating such reasons. The Commissioners shall, upon consideration of such statement, or, if no statement is made, at their own discretion, finally determine the matter, and make or decline to make the order, as they may think fit.

(6.) A notice under this section may be sent by post in a prepaid letter addressed to the person who signed or obtained the reception order at his last known address, and the same shall be deemed to have been received at the time when the same would arrive in due course of post.

38. Provision for any person to apply to have patient examined.] An order for the examination by two medical practitioners, authorised by the

Commissioners, of any person detained as a lunatic in any asylum, hospital, licensed house, or as a single patient, may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who shall satisfy the Commissioners that it is proper for them to grant such order; and on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations with at least seven days intervening between the first and the second examination, they are of opinion that the patient may, without risk or injury to himself or the public, be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order.

39. Power to take boarders in licensed houses.] (1.) The superintendent or proprietor of a licensed house may, with the previous consent in writing of two of the Commissioners, or, where the house is licensed by the justices, of two of the justices, receive and lodge as a boarder for the time specified in the consent any person who is desirous of voluntarily submitting to treatment; after the expiration of which time (unless any further consent shall be in like manner given for the extension thereof) he shall be discharged. The superintendent or proprietor of a licensed house may also, with such previous consent as aforesaid, receive and lodge as a boarder, for the time specified in the consent, any relative or friend of a patient.

(2.) The consent of the Commissioners or justices, as the case may be, shall be given only upon application to them by the intending boarder.

(3.) The total number of patients and boarders in a hospital or licensed house shall at no one time exceed the number of patients for which the hospital is certified or the house licensed.

(4.) Every boarder shall, if required, be produced to the Commissioners and visitors respectively on their respective visits.

(5.) A boarder may leave the licensed house in which he is a boarder upon giving to the superintendent or proprietor thereof twenty-four hours notice in writing of his intention so to do.

(6.) If any person is not allowed to leave the licensed house in which he is a boarder after the expiration of twenty-four hours notice to the superintendent or proprietor thereof of his intention so to do, he shall be entitled to recover from the superintendent or proprietor ten pounds as liquidated damages for each day or part of a day during which he is detained.

40. Maintenance for pauper lunatic taken charge of by relatives.] (1.) Where application is made to the committee of visitors of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the union to which the lunatic is chargeable, and, in case the proposed residence is outside the limits of the said union, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly.

(2.) Where any such order is made, the authority liable for the maintenance of the lunatic shall pay to the person to whom the lunatic is delivered such allowance for the maintenance of the lunatic, not exceeding the expenses which would be incurred on his account if he were in the asylum, as such authority may on the recommendation of the committee of visitors of the asylum from which the lunatic was delivered over think proper.

(3.) The medical officer of the district of the union in which the lunatic is resident in the custody of such relative or friend shall, within three days after each quarterly visit to the lunatic, made in pursuance of the Lunatic Asylums Act, 1853, section sixty-six, send to the visiting committee of the asylum from which the lunatic was delivered over, a report stating whether, in his opinion, the lunatic is properly taken care of, and may properly remain out of an asylum. The medical officer shall for every such report in addition to the remuneration paid under the above-mentioned section of the Lunatic Asylums Act, 1853, be paid the sum of two shillings and sixpence, which sum shall be paid by the same persons

and be charged to the same account as the relief of such pauper.

(4.) Any two of the visitors may at any time, if they think fit, make an order for the removal of the lunatic to the asylum from the custody of the relative or friend to whom he has been delivered.

(5.) For the purposes of section twenty-four, subsection (2) (f), of the Local Government Act, 1888 [51 & 52 Vict. c. 41], a lunatic boarded-out by the authorities of any asylum shall be deemed to be a lunatic maintained in an asylum.

41. Power of transfer and discharge given to members of committee.] The members, whether justices or not, of any committee of visitors appointed for any asylum by a county council, shall have the same powers and jurisdiction in relation to the transfer and discharge of lunatics as by the Lunatic Asylums Act, 1853, were vested in any members of a committee of visitors appointed under that Act.

42. Information as to lunatics in private families and charitable establishments.] (1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificate detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an asylum, hospital, or licensed house), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establishment, to send to them, within or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they may think fit.

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any asylum, hospital, or licensed house, or as single patients.

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any inquiries made by them under this section, to the Lord Chancellor, who may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an asylum, hospital, or licensed house, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient if so removed shall, if the order so directs, be paid by the guardians of the union in which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97].

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any two justices of the county or borough in which the asylum is may exercise all the authorities conferred upon justices by the Lunatic Asylums Act, 1853, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor may direct.

43. Notice of order of discharge.] (1.) The Commissioners when they shall have made any order of discharge shall forthwith serve the same upon the superintendent or proprietor of the asylum, hospital, or licensed house where the patient is detained, or upon the person having charge of the patient as a single patient, and shall give notice of such order,—

a. In the case of a private patient, to the person who signed or obtained the reception order or who made the last payment on account of the patient;

b. In the case of a pauper, to the guardians of

the union by whom the expense of the maintenance of the lunatic was defrayed, or, if the lunatic was chargeable to a county or borough, to the clerk of the peace of the county or the town clerk of the borough.

(2.) Any person who has been duly served with an order of discharge and detains a patient after the date of discharge appointed thereby shall be guilty of a misdemeanor.

44. Power to remove alien lunatic to his native country.] (1.) When an alien (not being a criminal lunatic) is detained as a lunatic, and his family or friends desire that he should be removed to the country of which he is a subject, the Commissioners, upon application by any member of the family, or by a friend of the alien, may inquire into the circumstances of the case, and report thereon to a Secretary of State.

(2.) A Secretary of State, if satisfied by such report or otherwise, that the person, to whom the report relates, is an alien and a lunatic, and that his removal is likely to be for his benefit, and that proper arrangements have been made for such removal and for his subsequent care and treatment, may, by warrant, direct the alien to be delivered to the person named in the warrant for the purpose of removal to the country of which he is a subject, and every such warrant shall be obeyed by the person or authority under whose charge the lunatic is.

(3.) A warrant under this section shall be sufficient authority for the master of any vessel to receive and detain the lunatic on board the vessel, and to convey him to his destination.

45. Mechanical means of restraint.] (1.) Mechanical means of bodily restraint shall not be applied to any lunatic unless the restraint is necessary for purposes of surgical or medical treatment or to prevent the lunatic from injuring himself or others.

(2.) In every case where such restraint is applied a medical certificate shall, as soon as it can be obtained, be signed, describing the mechanical means used, and stating the grounds upon which the certificate is founded.

(3.) The certificate shall be signed, in the case of a lunatic in an asylum or hospital, by the medical superintendent or a medical officer thereof, in the case of a lunatic in a licensed house, by the medical proprietor or medical attendant of the house, in the case of a lunatic in a workhouse, by the medical officer of the workhouse, and in the case of a single patient, by his medical attendant.

(4.) A full record of every case of restraint by mechanical means shall be kept from day to day; and a copy of the records and certificates under this section shall be sent to the Commissioners at the end of every quarter.

(5.) In the case of a workhouse, the record to be kept under this section shall be kept by the medical officer of the workhouse, and the copies of records and certificates to be sent shall be sent by the clerk to the guardians.

(6.) In the application of this section "mechanical means" shall be such instruments and appliances as the Commissioners may, by regulations to be made from time to time, determine.

(7.) Any person who wilfully acts in contravention of this section shall be guilty of a misdemeanor.

46. Letters of patients.] (1.) The superintendent or proprietor of every asylum, hospital, and licensed house, and the person having charge of a single patient, shall forward unopened all letters written by any patient and addressed to the Lord Chancellor or any Judge in Lunacy, or to a Secretary of State, or to the Commissioners, or any Commissioner, or to the person who signed the order for the reception of the patient, or on whose petition or application such order was made, or to the visitors or any visitor or visiting committee, or any member of the visiting committee of the asylum, or licensed or other house, in which any patient writing such letters may be, and may also at his discretion forward to its address any other letter if written by a private patient.

(2.) Every superintendent or proprietor of an asylum, hospital, or licensed house, and every person having charge of a single patient who makes default in complying with the obligation imposed on him by this section shall for each

offence be liable to a penalty not exceeding twenty pounds.

47. Notices as to letters and interviews.] (1.) Whenever the Commissioners in Lunacy shall so direct there shall, unless there is no private patient therein, be posted up in every asylum, hospital, and licensed house, printed notices setting forth—

(a.) The right of every private patient to have any letter written by him forwarded in pursuance of the last preceding section;

(b.) The right of every private patient to request a personal and private interview with a visiting Commissioner or visitor at any visit which may be made to the asylum, hospital, or house.

(2.) The notices shall be posted in the asylum, hospital, or house, so that every private patient may be able to see the same.

(3.) The visiting Commissioners or visitors may give directions as to the places in which such notices are to be posted.

(4.) If the superintendent or proprietor of an asylum, hospital, or licensed house makes default in posting such notices, or does not within ten days carry out any directions as to such notices given by the visiting Commissioners or visitors, he shall for each offence be liable to a penalty not exceeding twenty pounds.

48. Provision on inquisition for commitment of estate only and not of person.] If in any case of an inquisition it shall appear that the alleged lunatic is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be specially so found and certified; and every such special finding and certificate shall be brought before the Judge in Lunacy, who shall thereupon make all such orders, and direct all such acts to be done, as may be necessary or proper relative to the commitment, management, and application of the estate and effects of the person so found to be of unsound mind (including all proper provisions for his maintenance), but it shall not be necessary, unless in the discretion of the judge it shall appear proper so to do, to make any order as to the custody or commitment of the person.

49. Judge in Lunacy may supersede inquisition and rescind or vary order for commitment of person.] (1.)

In any case of a person who has been found lunatic by inquisition the Judge in Lunacy, being satisfied on the report of the Commissioners or of one of the Lord Chancellor's Visitors in Lunacy, or on any other evidence that the lunatic is cured, or that he is capable of managing himself, and not dangerous to himself or others, though incapable of managing his affairs, may, if he shall think it desirable that the ordinary proceedings for a supersedeas should not be insisted on, by order supersede the inquisition so far as the same finds that the lunatic is incapable of managing himself, and rescind or vary any order for the commitment of the person of the lunatic.

(2.) An order under this section may be made on such terms and conditions as the Judge in Lunacy may think fit.

(3.) Notice of an order under this section shall be forthwith given to the committee of the lunatic and also to the person under whose care the lunatic is.

50. Order for custody of person of lunatic so found to determine unless continued.] The medical attendant of every lunatic so found by inquisition shall, before the expiration of one, three, and six years respectively from the commencement of this Act, and before the expiration of every subsequent period of five years after the expiration of six years from the commencement of this Act, send to the Masters in Lunacy a report as to the mental and bodily condition of the patient, with a certificate under his hand certifying, if it is the fact, that the patient is still of unsound mind and a proper person to be detained under care and treatment.

(2.) If, before the expiration of any of the periods herein-before mentioned, such report and certificate are not sent to the Masters, they shall inquire as to the omission, and unless they are satisfied that the lunatic is still of unsound mind, the order for the commitment of the person of the lunatic as to whom such report and certificate are not sent shall determine at the expiration of such

period; but nothing herein contained shall affect the commitment of the estate.

(3.) A Master in Lunacy may, by order under his hand, extend the time within which any report and certificate under this section is to be sent to the Masters, and if the time is so extended, the order for commitment of the person of the lunatic as to whom the time is so extended shall continue in force until the expiration of the extended time, but such extended time shall not exceed six calendar months.

(4.) Where any order for commitment of the person of a lunatic has been determined under this section, the Masters in Lunacy shall forthwith give notice of such determination to the committee of the person of the lunatic and to the person under whose care the lunatic is.

51. Temporary provision for maintenance of lunatic.] In any case where, pending the appointment of committees, it shall appear to the Masters desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the lunatic, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers, or of any other person, the Masters shall be at liberty by certificate to authorise such banker or other person to pay to the person to be named in such certificate such sum as they shall certify to be proper; and may by such certificate give any directions as to the proper application thereof for the lunatic's benefit by such person who shall be accountable for the same as the Masters shall direct.

52. Orders as to the property of a lunatic.] (1.) Where any person is lawfully detained as a lunatic, or where any person not so detained and not found a lunatic by inquisition shall be proved to the satisfaction of the Judge in Lunacy to be through mental infirmity, arising from disease or age, incapable of managing his estate and affairs, the Judge in Lunacy, upon the application of such lunatic or other person by his next friend, may make an order that the next friend, or any other person approved by the Judge, may, on behalf of the lunatic or of the person so incapable, exercise any powers or do any act in relation to his property which the committee of the estate of a lunatic so found by inquisition, could by virtue of the Lunacy Regulation Act, 1853 [16 & 17 Vict. c. 70], and the Acts amending the same, under an order of the Judge, or without an order, exercise or do on behalf of the lunatic.

(2.) An order under this section may confer upon the person named in the order authority to do any act or exercise any power specified in the order, or may confer a general authority to exercise on behalf of the lunatic until further order all or any of the powers of a committee of the estate of a lunatic so found by inquisition, without further application to the Judge.

(3.) Applications under this section shall be made in such manner, upon notice to such persons, and subject to such restrictions as may be appointed by the General Orders in Lunacy, and subject thereto as the Judge in Lunacy in each case may determine.

(4.) Every person appointed to do any act or exercise any powers under this section shall be subject to the jurisdiction and authority of the Judge in Lunacy in the same manner in all respects as if such person were the committee of the estate of a lunatic so found by inquisition.

53. Limited power to deal with property in Ireland or England of lunatic so found in England or Ireland.] (1.) The powers of management and administration of the estates of lunatics conferred by the Lunacy Regulation Act, 1853, shall, without an inquisition or other proceedings in Ireland, extend to the personal property in Ireland of a lunatic so found by inquisition in England where such personal property does not exceed two thousand pounds in value or the income thereof does not exceed one hundred pounds a year; and the like powers conferred by the Lunacy Regulation (Ireland) Act, 1871, shall, without an inquisition or other proceedings in England, extend to the personal property in England of a lunatic so found by inquisition in Ireland where such personal property or the income thereof does not exceed such amount as aforesaid.

(2.) Where a person has been found lunatic by inquisition in England or Ireland, and has personal property in Scotland, the committee of the estate of the lunatic shall, without cognation or other proceedings in Scotland, have all the same powers as to such property, or the income thereof, as might be exercised by a tutor at law after cognation or a duly appointed curator bonis to a person of unsound mind in Scotland.

Where a tutor at law after cognation or a curator bonis has been appointed to a lunatic in Scotland, who has personal property in England or Ireland, the tutor at law or curator bonis shall, without an inquisition or other proceedings in England or Ireland, have all the same powers as to such property, or the income thereof, as might be exercised by the committee of the estate of a lunatic so found by inquisition in England or Ireland.

(3.) The powers conferred by section twelve of the Lunacy Regulation Act, 1853 [25 & 26 Vict. c. 86, s. 12], and by section sixty-eight of the Lunacy Regulation (Ireland) Act, 1871 [34 & 35 Vict. c. 22, s. 68], shall extend to the property in Ireland or England, as the case may be, of the lunatic where the total value of the property in England and Ireland does not exceed two thousand pounds in value, or the income thereof does not exceed one hundred pounds a year.

54. Power to deal with property of small amount.]

(1.) Where an order is made for the reception of a lunatic the value of whose real and personal property is under two hundred pounds, and no relative or friend of the lunatic is willing to undertake the management of such property, any judge of county courts having jurisdiction in the place from which the lunatic is sent, may, upon the application of the clerk of the guardians, or a relieving officer of the union from which the lunatic is sent, authorize the clerk or relieving officer, or such other person as the judge shall by his order appoint, to take possession of and sell and realise the real and personal property of the lunatic, and to exercise all the powers which could be exercised by the legal personal representative of the lunatic if he were dead; and the receipt of the person so authorised shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

(2.) The judge by whom such order is made may by the same or any subsequent orders give such directions as he shall think fit as to the application of the property of the lunatic for his benefit or in reimbursement of such sums as may have been or may be expended by the guardians of the union for his care or relief, or of the costs or expenses incurred in relation to the lunatic by such guardians, or by the person acting under any such order as aforesaid, or the judge may, if he think fit, order that the whole or any part of the proceeds of the lunatic's property be paid into the county court to the credit of an account intitled in the matter of such lunatic, and any sum so paid into court may either be invested in the manner provided by the county court rules in force for the time being, or be paid out of court from time to time to such person as the judge may direct, to be held and applied for the benefit of such lunatic, or in or towards such reimbursements as aforesaid, in such manner as the judge shall from time to time direct.

(3.) The person acting under any such order shall render an account of his dealings with the lunatic's property to the judge by whom such order was made in such manner as the judge shall from time to time appoint.

55. Pension of lunatic payable by public department.] When any sum in respect of pay, pension, superannuation, or other allowance, or annuity under the control or management of any public department, is payable to any person, in respect either of service as a civil servant or of military or naval service or of provision for a widow or child of a person employed in civil, military, or naval service as such widow or child, and the person to whom the sum is payable is certified by a justice or minister of religion, and by a medical practitioner, to be unable by reason of mental disability to manage his or her affairs, the public department may pay so much of the said sum as the department may think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof, as the department may think fit, for or towards the

maintenance and benefit of the wife or husband and relatives of the disabled person, and the department shall be discharged from all liability in respect of any sums so paid.

56. Restrictions on new licences.] (1.) If the Commissioners, or in the case of a house licensed by justices the justices, are of opinion that a house licensed for the reception of lunatics has been in all respects well conducted by the licensee, the Commissioners or justices may upon the expiration of the licence from time to time renew the licence for that house to the former licensee, or any one or more of them, or to their successors in business from time to time.

(2.) If at the passing of this Act the licensee of any house shall have made arrangements to establish a new house for the reception of lunatics in the place of the existing house, and the Commissioners, or if the existing house is within the jurisdiction of justices the justices, are of opinion that such new house will be as well suited for the purpose as the existing house, and are also of opinion that the existing house has been in all respects well conducted, the Commissioners or justices may grant to the licensee of the existing house, or any one or more of them, a licence for the new house, and may from time to time renew the same to the original licensee, or any one or more of them, or to his or their successors in business from time to time.

(3.) If at any time after the passing of this Act it shall be shown to the satisfaction of the Commissioners or the justices, as the case may be, that it would be for the comfort and advantage of the patients in any licensed house that another house should be substituted in place thereof, the Commissioners or justices may grant to the licensee of such first-mentioned house a licence in respect of such other house upon and subject to the same conditions and restrictions as may have existed in respect of the first-mentioned house.

(4.) In the case of joint licensees or proprietors who desire to carry on business apart from one another, if, in the opinion of the Commissioners or of the justices, as the case may be, the establishment conducted by them jointly, and also any new house which any of them desires to conduct, answers the conditions herein-before required for granting renewed licences, the Commissioners or justices, as the case may be, may grant to each of such licensees or proprietors renewed licences for such number of patients (not exceeding in the aggregate the number allowed by the joint licence) as such joint licensees or proprietors shall agree upon, or, failing their agreement, as the Commissioners or justices shall determine.

(5.) Where the licensee of a house is a medical man in the employment of the proprietor of such house as his superintendent, the licence shall be deemed to be transferable or renewable to such licensee so long as he continues superintendent of the house, or to the proprietor, or to any other medical superintendent while employed by the proprietor in the place of the former superintendent.

(6.) Save as in this section provided, after the passing of this Act no new licence shall be granted to any person for a house for the reception of lunatics, and no house in respect of which there is at the passing of this Act an existing licence shall be licensed for a greater number of lunatics than the number authorised by the existing licence.

(7.) This section does not apply to licensed houses used solely for the reception of idiots and imbeciles.

57. Amendments as to licensed houses.] (1.) Visitors of licensed houses shall be appointed by the justices of every county or borough under section seventeen of the Lunacy Act, 1845 [8 & 9 Vict. c. 100, s. 17], whether there is a licensed house within the county or borough or not.

(2.) In every county or borough in which no visitors of licensed houses have been appointed before the commencement of this Act, the justices of such county or borough shall appoint such visitors at the quarter and special sessions respectively next after the commencement of this Act.

(3.) A medical visitor shall be entitled to such remuneration for services rendered under this Act as the justices of the county or borough for which he is a visitor may approve, and such remuneration shall be provided in the manner in which the re-

muneration of a visitor for services under the Lunacy Act, 1845, is provided.

(4) Where there is no licensed house within a county or borough the remuneration of any medical visitor, and the salary of the clerk to the visitors, and the expenses of the visitors in the execution of their office, shall be provided in the manner in which the remuneration and other expenses, which the money received for licences under the Lunacy Act, 1845 [8 & 9 Vict. c. 100, s. 38], is inadequate to pay, are to be provided.

(5) The clerk to the visitors of licensed houses shall, upon the direction of any two visitors, call a meeting of the visitors at such time and place as the two visitors may appoint.

(6) In the case of a licence for a house for the reception of lunatics granted to two or more persons, if before the expiration of the licence any of such persons die leaving the others surviving, and one of the survivors has undertaken, or within ten days after the death gives to the Commissioners or the justices who granted the licence a written undertaking, to reside on the licensed premises, the licence shall remain in force and have the same effect as if granted to the survivors.

(7) Where a licence has been transferred by the justices of a county or borough under section thirty-nine of the Lunacy Act, 1845 [8 & 9 Vict. c. 100, s. 39], the clerk of the peace of the county or borough shall within three days after the date of the instrument of transfer send a copy thereof to the Commissioners.

(8) A clerk of the peace who makes default in performing the duty imposed upon him by this section shall for each day during which the default continues be liable to a penalty not exceeding forty shillings.

58. Provisions for registration of hospitals in which lunatics are received. (1) When application is made after the passing of this Act for the registration of a hospital for the reception of lunatics, the Commissioners may depute any one or more members of their body, or may employ such person or persons as they shall think fit, to inspect the hospital and report to them thereon.

(2) If the Commissioners are of opinion that the hospital ought not to be registered for the reception of lunatics, they shall make a written report to a Secretary of State, stating the reasons for such opinion, and the Secretary of State shall thereupon finally determine whether the hospital ought to be registered or not.

(3) If the Commissioners are of opinion or a Secretary of State determines that the hospital ought to be registered, the Commissioners shall issue a provisional certificate of registration.

(4) A provisional certificate shall be valid for six months from the date of its issue, and for such extended time as the Commissioners may allow, unless before its expiration it is superseded by a complete certificate of registration.

(5) Within three months from the date of the provisional certificate, the managing committee of the hospital shall frame regulations for the hospital, and shall submit the same to a Secretary of State for approval.

(6) Upon approval of the regulations by a Secretary of State the Commissioners shall issue a complete certificate of registration, and shall specify therein the total number of patients of each sex, who may be received into the hospital.

(7) As from the date of a provisional certificate lunatics may be received in the hospital, but if no complete certificate of registration is granted, then no lunatic shall be received or detained in the hospital after the expiration of the provisional certificate.

(8) No lunatic shall be received in any hospital unless the same has been registered before the passing of this Act, or is registered under a provisional or complete certificate by virtue of this Act.

(9) The superintendent of any hospital who receives or detains any lunatic in the hospital contrary to the provisions of this Act, or to the terms of the complete certificate of registration shall be guilty of a misdemeanor.

59. Buildings not shown on plans not to be used for accommodation of lunatics. (1) No building in the occupation of the managing committee of a registered hospital not shown on the plans sent to the Commissioners pursuant to any rules made by them

shall be deemed part of the hospital for any purpose connected with the reception or the care and treatment of lunatics.

(2) If the superintendent of a registered hospital knowing permits any lunatic to be detained or lodged in any building not shown on the plans of the hospital sent to the Commissioners he shall be deemed guilty of a misdemeanor.

60. Accounts to be audited and printed. (1) The accounts of every registered hospital which does not submit its accounts to the Charity Commissioners shall be audited once a year by an accountant or other auditor to be approved by the Lunacy Commissioners, and shall be printed.

(2) The Lunacy Commissioners may, if they shall think fit, prescribe the form in which the accounts of any registered hospital are to be kept, and the day of the year to which they are to be made up.

61. Superannuation allowance of officer of hospital. The managing committee of any hospital may grant to any officer or servant who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the hospital for not less than fifteen years and is not less than fifty years old, such superannuation allowance, not exceeding two-thirds of the salary of the superannuated person, with the value of the lodgings, rations or other allowances enjoyed by him, as the committee may think fit.

62. Persons disqualified to be members of managing committee of hospital. The following persons shall be disqualified from being members of the managing committee of a registered hospital:

a. Any medical or other officer of the hospital:

b. Any person who is interested in or participates in the profits of any contract with or work done for the managing committee of the hospital, but so that this disqualification shall not extend to a person who is a member of an incorporated company which has entered into a contract with or done any work for the managing committee.

63. Powers for enforcing regulations of hospitals. (1) The Commissioners may from time to time require the superintendent or any other officer of a registered hospital to give them such information as the Commissioners shall think fit as to the mode in which the regulations of the hospital are carried out.

(2) If the Commissioners are of opinion that the regulations are not properly carried out, they may give to the superintendent and any two members of the managing committee of the hospital notice stating the particulars in which the regulations are not properly carried out, and requiring such things to be done as the Commissioners may think proper for carrying out the same.

(3) If at the expiration of six months from the date of the notice the requirements of the notice have not, in the opinion of the Commissioners, been complied with, the Commissioners, with the consent in writing of a Secretary of State, may make an order directing the hospital to be closed as from the date named in the order, so far as the reception and detention of lunatics is concerned.

(4) If any lunatics are detained or kept in the hospital after the date appointed by the order for closing the hospital, the superintendent of the hospital shall be guilty of a misdemeanor.

(5) Before an order is made under this section the Commissioners shall send to the superintendent and any two members of the managing committee of the hospital notice in writing requiring them to state in writing within fourteen days the reasons why the requirements of the first notice have not been complied with; and such statement, if any, shall be laid before the Secretary of State.

64. No agreements between local authority and subscribers. As from the passing of this Act no agreement shall be made between a local authority and the subscribers to a hospital for uniting to provide and maintain an asylum or for the reception of pauper patients into the hospital. Provided always, that in any case where an agreement for either of the purposes aforesaid is already subsisting, such agreement shall continue in force, and may be renewed as heretofore with the consent of a Secretary of State.

65. Provisions as to private patients in asylums. (1) Lunatics not paupers may be received into any

asylum provided under the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97], and the Acts amending the same, or under this Act, upon such terms as to payment and accommodation as the committee of visitors may think fit. All enactments as to the conditions on which such lunatics may be received into hospitals or licensed houses shall be applicable to lunatics not paupers received into such asylums.

(2) An account of the amount, by which the sums charged for private patients received into the asylum exceed the weekly charges for pauper lunatics sent from or settled in any place, parish, or borough which has contributed to provide the asylum, shall be made up to the last day of each year, and the surplus, if any, after carrying to the building and repair fund such sums, and providing for such outgoings and expenses, as the committee of visitors may consider proper, shall be paid to the treasurer of the local authority to which the asylum belongs, or in the case of an asylum belonging to several local authorities, to their respective treasurers in the proportions in which such local authorities or the justices of the counties and boroughs whose powers have been transferred to them have contributed to the asylum, and shall be applied in aid of the rates in such manner as the local authority may determine.

66. Power to enlarge asylums in order to provide accommodation for private patients. (1) The committee of visitors of any asylum, with the consent of the local authority of each administrative area for which the asylum is provided, and with the approval in writing of a Secretary of State, may make such alterations in or additions to the asylum, either by way of detached buildings or blocks of buildings or otherwise as they shall think fit, for the purpose of providing accommodation for lunatics not paupers.

(2) The plans and estimates for all alterations in or additions to be made to an asylum under this section shall be submitted to the Commissioners, who shall report thereon in writing to a Secretary of State.

67. Power to provide asylums for pauper and private patients. (1) The powers conferred by the Lunatic Asylums Act, 1853, for providing asylum accommodation shall extend to authorise a local authority either alone or in union with any other local authority or local authorities, to make provision for the reception of pauper and private patients together or in separate asylums, and to provide separate asylums for idiots or patients suffering from any particular class of mental disorder.

(2) For the purposes of this section the local authority may erect new asylums, or enlarge any existing asylums, or purchase any licensed or other houses and land suitable for the purpose.

(3) Subject to the modifications made by this Act, all the powers and provisions of the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97], and the Acts amending the same, shall extend to asylums provided under this Act as if such asylums were asylums authorised to be provided under the Lunatic Asylums Act, 1853.

68. Power to retain land unsuitable or not required for asylum purposes. Any lands or buildings which have been used for the purposes of a county or borough asylum, and have been found unsuitable, or are otherwise not required for such purposes, may, with the consent of a Secretary of State, and subject to such conditions as he may think fit to impose, be retained by the local authority, and appropriated for any purposes for which they are empowered to acquire land.

69. Rating of lunatic asylums. All lands and buildings already or to be hereafter purchased or acquired under the provisions of any Act for the purposes of any lunatic asylum for any county or borough in England or Wales (and any additional building erected or to be erected thereon) shall, while used for such purposes, be assessed to county parochial district and other rates, made after the commencement of this Act, on the same basis and to the same extent as other lands and buildings in the same parish, township, or district.

70. Case of officer transferred to another asylum. When any officer is transferred from one asylum to another asylum wholly or in part belonging to the same local authority, his service in all such asylums shall be counted for the purpose of com-

putting his pension, superannuation allowance, or gratuity for length of service, as if all such asylums had constituted only one asylum.

71. Contracts for reception of lunatics of borough not to be determined without consent of a Secretary of State.] Where a contract has, before the passing of this Act, been entered into, or shall thereafter be entered into, on behalf of a borough, with the committee of visitors of an asylum for the reception of the pauper lunatics of the borough into the asylum, and the parties to the contract, or either of them, have power to determine the contract, the contract shall not after the passing of this Act be determined without the consent of a Secretary of State.

72. Conveyance of land to municipal corporations.] Where the local authority is the council of a borough, any lands or hereditaments used or acquired on behalf of the local authority for the purposes of the Lunacy Acts may be conveyed to the municipal corporation of the borough, to be held by them in trust for the purposes aforesaid.

73. Resignation and illness of medical and legal Commissioners.] (1.) A medical or legal Commissioner may, upon resigning his office, be appointed to fill any vacancy among the Commissioners, and if so appointed, he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation.

(2.) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

74. Reports by Commissioners.] (1.) The Commissioners shall at the expiration of every six months report to the Lord Chancellor the number of visits they have made and the number of patients they have seen.

(2.) They shall also in or before the month of June in every year make to the Lord Chancellor a report made up to the end of the preceding year of the condition of the asylums, hospitals, houses, and other places visited by them, and of the care of the patients therein, with such other particulars as they think deserving notice.

(3.) They shall lay copies of the reports to be made under this section before Parliament within one month after the same shall have been made if Parliament shall be then sitting, or within twenty-one days after the commencement of the next session.

75. Salary and qualification of secretary.] The salary of the secretary to the Commissioners shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time determine, and every person appointed after the passing of this Act to the office of secretary to the Commissioners shall be a barrister-at-law of at least seven years standing, and shall for all purposes be deemed to be a permanent civil servant of the State.

76. Removal of lunatic from workhouse—Payment of expenses.] (1.) Where a union is in more than one county, and the workhouse of the union is in one county, and the place from which a lunatic was sent to the workhouse is in another county, an order may be made by a justice for the county in which the workhouse is or a justice for the county from which the lunatic was sent for the removal of the lunatic either to the asylum of the county in which the workhouse is or to the asylum of the county from which the lunatic was sent and such latter order may be made notwithstanding that there may be an asylum of the county in which the workhouse is, and there may not be a deficiency of room or any other special circumstances by reason whereof the lunatic cannot conveniently be taken to that asylum.

(2.) Section ninety-four of the Lunatic Asylums Act, 1853, shall extend to authorise any justice to exercise the jurisdiction thereby conferred in relation to orders for payment of the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of a lunatic, and for making the estate of a lunatic applicable in payment of such charges.

(3.) An order may be made by a county court judge upon an application by the guardians of any union for payment of the expenses incurred by them under the Lunatic Asylums Act, 1853, and the Acts amending the same, and this Act, in relation to a lunatic, and any such order may be enforced against any property of the lunatic in the same way as a judgment of the county court.

77. Ministers of any religion in asylum.] The committee of every asylum may appoint a minister of any religious persuasion to attend patients of the religious persuasion to which the minister belongs and may allow him such remuneration for his services as they think fit.

78. Escape from England into Scotland or Ireland.] (1.) If any person detained as a lunatic under lawful authority in England escapes into Scotland or Ireland, notice of the escape shall as soon as practicable be given to the Commissioners, who may, by writing under their seal, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in Scotland or Ireland as well as in England be sufficient prima facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any sheriff or sheriff substitute in Scotland, or for any justice of the peace in Ireland, to countersign the same; and any such warrant so countersigned may be executed in Scotland or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

79. Escape from Scotland into England or Ireland.] (1.) If any person detained as a lunatic under lawful authority in Scotland escapes into England or Ireland, notice of the escape shall as soon as practicable be given to the General Board of Commissioners in Lunacy for Scotland, who may, by writing under the hand of one of such Commissioners, authorise an application to be made by such person as they shall think fit to any sheriff or sheriff substitute having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in England and Ireland as well as in Scotland be sufficient prima facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any justice of the peace in England or Ireland to countersign the same; and any such warrant so countersigned may be executed in England or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Commissioners in Lunacy for Scotland shall be deemed to have been signed by him until the contrary is proved.

80. Escape from Ireland into England or Scotland.] (1.) If any person detained as a lunatic under lawful authority in Ireland escapes into England or Scotland, notice of the escape shall as soon as practicable be given to the Inspectors of Lunatics in Ireland, who may, by writing under the hand of one of them, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in England and Scotland as well as in Ireland be sufficient prima facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of such escape, and shall be sufficient authority for any justice of the peace in England, and for any sheriff or sheriff substitute in Scotland, to countersign the same; and any such warrant so countersigned may be executed in England or Scotland, as

the case may be, by retaking the lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Inspectors of Lunatics in Ireland shall be deemed to have been signed by him unless the contrary is proved.

81. Limit of time of retaking lunatic.] A warrant, granted under the three preceding sections respectively, shall not authorise the retaking of a lunatic after the expiration of the time during which he could have been retaken according to the law in force in the place where he was detained as a lunatic if he had remained there after his escape.

82. Abuse of female lunatic.] If any superintendent, officer, nurse, attendant, or other person employed in any asylum (including an asylum for criminal lunatics) hospital, licensed house, or workhouse, or any person having the care or charge of any single patient, or any attendant of any single patient, shall carnally know or attempt to have carnal knowledge of any female under care or treatment as a lunatic in the asylum, hospital, licensed house, or workhouse, or as a single patient, he shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be imprisoned with or without hard labour for any term not exceeding two years; and no consent or alleged consent of such female thereto shall be any defence to an indictment or prosecution for such offence.

83. Male person not to be employed in personal custody of female patient.] It shall not be lawful to employ any male person in any asylum, registered hospital, or licensed house in the personal custody or restraint of any female patient; and any person employing a male person contrary to this section shall be liable to a penalty not exceeding twenty pounds: Provided that this section shall not extend to prohibit or impose any penalty on the employment of male persons on such occasions of urgency as may, in the judgment of the superintendent or proprietor, render such employment necessary; and the superintendent or proprietor shall in each case report such employment of a male person to the visiting commissioners or visitors at their next visit.

84. Prosecution by Crown.] The power given by section fifty-six of the Lunacy Act, 1845 [8 & 9 Vict. c. 100, s. 56], to a Secretary of State, to direct the Attorney-General to prosecute on the part of the Crown in certain cases, shall, from and after the commencement of this Act, be extended to all misdemeanors committed by any persons under this or any other Act relating to lunacy.

85. Defaults and misdemeanors.] (1.) Any person who makes default in sending to the Commissioners or any other person any return, report, extract, copy, statement, notice, plan, or document, or any information within his knowledge or obtainable by him, when required so to do under this Act or any other Act relating to lunacy, or any rules made under this Act or in complying with the said Acts or rules, shall for each day or part of a day during which the default continues be liable to a penalty not exceeding ten pounds, unless a penalty is expressly imposed by this or any other Act for such default: Provided that all or any part of the cumulative penalties may be remitted by the Court in any case in which it shall be made to appear to the satisfaction of the Court that the original default, or its continuance during any period of time, arose from mere accident or oversight, and not from wilful or culpable neglect on the part of the person sued for such penalty.

(2.) Any person who obstructs any Commissioner or visitor in the exercise of the powers conferred by this or any other Act relating to lunacy shall for each offence be liable to a penalty not exceeding fifty pounds, and shall also be guilty of a misdemeanor.

(3.) Any person guilty of any act or omission which under section ninety of the Lunacy Act, 1845 [8 & 9 Vict. c. 100, s. 90], is punishable as a misdemeanor shall also for every such act or omission be liable to a penalty not exceeding fifty pounds.

(4.) The provisions of the Lunacy Act, 1845 [8 & 9 Vict. c. 100], and the Lunatic Asylums Act, 1853 [16 & 17 Vict. c. 97], as to proceedings for

offences and recovery of penalties, and the persons by whom such proceedings may be taken, shall apply to proceedings for offences and recovery of penalties under this Act.

86. Evidence upon prosecution.] (1.) Where any person is proceeded against under the Lunacy Acts, or under this Act, on a charge of omitting to send any copy, list, notice, statement, report, or other document required to be transmitted or sent by such person, the burden of proof that the same was transmitted or sent within the time required shall lie upon such person; but if he proves by the testimony of one witness upon oath that the copy, list, notice, statement, report, or document in respect of which the proceeding is taken was properly addressed and put into the post in due time, or (in case of documents required to be sent to the Commissioners or a clerk of the peace or a clerk to guardians) left at the office of the Commissioners or of the clerk of the peace or clerk to guardians, such proof shall be a bar to all further proceeding in respect of such charge.

(2.) In proceedings under the Lunacy Acts or under this Act, where a question arises whether a house is or is not a licensed house or registered as a hospital, it shall be presumed not to be so licensed or registered unless the licence or certificate of registration is produced, or sufficient evidence is given that a licence or certificate is in force.

87. Power to amalgamate the lunacy departments.] (1.) The Lord Chancellor may at any time after the commencement of this Act, if it shall seem expedient to him so to do, by any order or orders under his hand, amalgamate the office of the Masters in Lunacy and their staff, and the office of the Lord Chancellor's Visitors of Lunatics and their staff, and may amalgamate such offices, or either of them, with the office of the Commissioners in Lunacy, and may give such directions as he may think fit for the reconstitution of the Commissioners in Lunacy, and for the exercise and performance of the powers and duties of the Commissioners, and of the officers and staff amalgamated respectively under any order under this section.

(2.) In the event of any such amalgamation, the Lord Chancellor may, with the concurrence of the Treasury, fix the qualifications and salaries of the members of the amalgamated office and of the staff attached thereto, and may, with such concurrence, from time to time increase and diminish the number of such members and staff.

(3.) An order under this section shall not be made so as to prejudice the rights of the Masters, Visitors, and Commissioners respectively holding office at the passing of this Act.

(4.) The Lord Chancellor may from time to time by order direct that such proportion as he may consider reasonable of the expenses incurred in carrying any such amalgamation into effect, including the cost of providing office accommodation, shall be paid out of the per-centage charged on the incomes of lunatics under the Lunacy Regulation Act, 1853 [16 & 17 Vict. c. 70].

88. Power to make rules.] (1.) It shall be lawful for the Commissioners, with the approval of the Lord Chancellor, from time to time, by rules, to prescribe the books to be kept in asylums, hospitals, licensed houses, and houses for single patients, and the entries to be made therein, and the returns, reports, extracts, copies, statements, notices, plans, documents, and information to be sent to the Commissioners or any authority or person and the persons, by whom, the times within which, and the manner in which, such entries, returns, reports, extracts, copies, statements, notices, plans, documents, and information are to be made and sent; and also by rules to prescribe forms for the purposes aforesaid in addition to or in substitution for any forms now in use.

(2.) Subject to the preceding sub-section, the Lord Chancellor may from time to time make rules for carrying this or any other Act relating to lunacy into effect, and also for regulating costs and fees in relation thereto, and the percentage on lunatic's estates, subject, nevertheless, as to fees and percentage, to the concurrence of the Treasury.

(3.) Where by any Act already passed or hereafter to be passed any application in lunacy is directed or authorised to be made by petition, or

in any other specified manner, the Lord Chancellor may by rule direct in what manner the application is to be made.

(4.) The Lord Chancellor and the Secretary of State respectively may, by rules under this section, provide for preventing interference or delay in the exercise of the ordinary jurisdiction of the judges of county courts and magistrates respectively, by the transfer of petitions and notices or otherwise, as such rules may direct.

(5.) Subject to any rules made under this section, the existing rules shall, so far as applicable, continue in force.

(6.) Any rules and orders under any Act relating to lunacy made under this section may from time to time be varied or rescinded by the like authority.

(7.) All rules made under the foregoing provisions of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and, if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(8.) A rule under the provisions of this section shall not come into operation until the expiration of one month after the same has been made and issued.

(9.) This section shall come into operation immediately on the passing of this Act.

89. Forms.] Subject to rules made under this Act, the forms in the First Schedule to this Act shall be used, wherever applicable, with such modifications as circumstances may require, and if used, shall be deemed to be sufficient.

90. Saving as to criminal lunatics.] Except as by this Act otherwise expressly provided, nothing in this Act contained shall affect the provisions of the Criminal Lunatics Act, 1884 [47 & 48 Vict. c. 64], or of any other Act relating to criminal lunatics.

91. Definitions.] In this Act, unless the context otherwise requires:

"Union" includes a parish under a separate board of guardians elected either under a local Act or under the Poor Law Amendment Act, 1834 [4 & 5 Will. 4, c. 76].

"Medical practitioner" means a medical practitioner duly registered under the Medical Act, 1858 [21 & 22 Vict. c. 90], and the Acts amending the same, and the Medical Act, 1886 [49 & 50 Vict. c. 48].

"Commissioners" means Commissioners in Lunacy.

"Treasury" means the Lords Commissioners of Her Majesty's Treasury, or any two of them.

"The Judge in Lunacy" means the Lord Chancellor or any Judge of the Supreme Court of Judicature entrusted for the time being with the care and commitment of the custody of the persons and estates of idiots, lunatics, and persons of unsound mind.

"Relative" means a lineal ancestor or lineal descendant, or a lineal descendant of an ancestor not more remote than great-grandfather or great-grandmother.

"Reception order" means an order for the reception of a lunatic in an asylum, hospital, or licensed house, or as a single patient, and includes an urgency order.

"Local authority" means the council of an administrative county, county borough, and borough, including the City of London, in whom, under the Lunacy Acts, as amended by the Local Government Act, 1888 [51 & 52 Vict. c. 41], the powers in relation to the provision, enlargement, maintenance, management and visitation of, and other dealing with asylums for pauper lunatics are vested; and a local authority, not being a county council, shall have the same powers in relation to those purposes as a county council.

"The Lunacy Acts" means the Acts mentioned in the Second Schedule.

"Magistrate" means a stipendiary magistrate and any Magistrate appointed to act at any of the police courts of the Metropolis.

"Public department" means the Treasury, the Commissioners for executing the office of Lord High Admiral, and any of Her Majesty's Principal Secretaries of State, and any other public department of the Government.

92. Construction of Act.] This Act shall be construed as one with the Lunacy Acts, and expressions used in this Act shall according to the subject-matter in each case have the same meaning as in those Acts respectively, save as in this Act otherwise provided.

93. Short titles of Acts.] The Acts mentioned in the first column of the Second Schedule may be cited by the short titles in the second column of that schedule.

94. Repeal.] The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified without prejudice to anything done or suffered thereunder.

THE FIRST SCHEDULE. [Section 89.]

FORM 1.

Petition for an Order for reception of a Private Patient.

In the matter of A. B. a person alleged to be of unsound mind.

To His Honour the judge of the county court of [or To

stipendiary magistrate for [or To

a justice of the peace for

The petition of C. D. of [1] in [1] Full postal address and rank, profession, or occupation.

1. I am [2] years of age. [2] At least twenty-one.

2. I desire to obtain an order for the reception of A. B. as a lunatic [3] in the asylum [or hospital or house as the case may be] of [4] Insert a full description of the name and locality of the asylum, hospital, or licensed house, or the full name, address, and description of the person who is to take charge of the patient as a single patient.

[3] in the asylum [or hospital or house as the case may be] of [4] Insert a full description of the name and locality of the asylum, hospital, or licensed house, or the full name, address, and description of the person who is to take charge of the patient as a single patient.

3. I last saw the said A. B. at [5] on the [5] day [5] Some day within 14 days before the date of the presentation of the petition.

4. I am the [6] of the said A. B. [or if the petitioner is not connected with or related to the patient state as follows:—]

I am not related to or connected with the said A. B. The reasons why this petition is not presented by a relation or connection are as follows: [State them.]

The circumstances under which this petition is presented by me are as follows: [State them.]

5. I am not related to or connected with either of the persons signing the certificates which accompany this petition as (where the petitioner is a man) husband, father, father-in-law, son, son-in-law, brother, brother-in-law, partner or assistant, (or where the petitioner is a woman) wife, mother, mother-in-law, daughter, daughter-in-law, sister, sister-in-law, partner or assistant.

6. I undertake to visit the said A. B. personally or by some one specially appointed by me at least once in every six months while under care and treatment, under the order to be made on this petition.

7. A statement of particulars relating to the said A. B. accompanies this petition.

If it is the fact add:

8. The said A. B. has been received in the asylum [or hospital or house as the case may be] under an urgency order dated the

The petitioner therefore prays that an order may be made in accordance with the foregoing statement.

[Signed]

full Christian name and surname.

Dated

FORM 2.

Statement of Particulars.

STATEMENT OF particulars referred to in the annexed petition [or in the above or annexed order].

The following is a statement of

particulars relating to the said

A. B. [1]:—

Name of patient, with Christian name at length.

Sex and age.

† Married, single, or widowed.

† Rank, profession, or previous occupation (if any).

† Religious persuasion.

Residence at or immediately previous to the date hereof.

† Whether first attack.

Age on first attack.

When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

† Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

Names, Christian names, and full postal addresses of one or more relatives of the patient.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

Name and full postal address of the usual medical attendant of the patient.

(Signed)

When the petitioner or person signing an urgency order is not the person who signs the statement, add the following particulars concerning the person who signs the statement.

FORM 3.

Order for reception of a private patient to be made by a Judge of County Courts, Stipendiary Magistrate, or Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned, E. F., being the Judge of the County Court of [or the Stipendiary Magistrate for, or a Justice for

specially appointed under the Lunacy Acts Amendment Act, 1889] upon the petition of C. D., of [1] in the matter of A. B. a lunatic [2] accompanied by the medical certificates of G. H. and I. J. hereto annexed, and upon the undertaking of the said C. D. to visit the said A. B. personally or by some one specially appointed by the said C. D. once at least in every six months while under care and treatment under this order, hereby authorise you to receive the said A. B. as a patient into your asylum [3]. And I declare that I have [or have not] personally seen the said A. B. before making this order.

Dated

(Signed) E. F.
The Judge of the County Court of

[or a Stipendiary Magistrate, or a Justice for appointed under the above-mentioned Act.]

To [4]

FORM 4.

Form of Urgency Order for the reception of a private patient.

I, the undersigned, being a person twenty-one years of age, hereby authorise you to receive as a patient

[1] If any particulars are not known, the fact is to be so stated. (Where the patient is in the petition or order described as an idiot omit the particulars marked †)

into your house [1] A. B., as a lunatic [2], whom I last saw at on the [3] day of

18. I am not related to or connected with the person signing the certificate which accompanies this order in any of the ways mentioned in the margin [4]. Subjoined [or annexed] hereto [5] is a statement of particulars relating to the said A. B.

(Signed) Name and Christian name at length
Rank, profession, or occupation (if any)
Full postal address
How related to or connected with the patient
[If not the husband or wife or a relative of the patient, the partner, or person signing to state as briefly as possible: 1. Why the order is not signed by the husband or wife or a relative of the patient. 2. His or her connexion with the patient, and the circumstances under which he or she signs]

Dated this day of 18
To proprietor or superintendent of hospital or asylum.

FORM 5.

Certificate as to Personal Interview after Reception.

I certify that it would be prejudicial to A. B. to be taken before or visited by a judge of county courts, magistrate, or justice.

(Signed) C. D.

Medical Superintendent of the Asylum or Hospital, or Medical Proprietor or Attendant of the or Medical Attendant of the said A. B.

FORM 6.

Notice of Right to Personal Interview.

Take notice that you have the right, if you desire it, to be taken before or visited by a judge of county courts, magistrate, or justice. If you desire to exercise such right, you must give me notice thereof by signing the enclosed form on or before the day of

Dated

Signed C. D.
Superintendent of the Asylum or Hospital or Proprietor of [or as the case may be].

FORM 7.

Notice of Desire to have a Personal Interview.

[Address]
I desire to be taken before or visited by a judge, magistrate, or justice having jurisdiction in the district within which I am detained.
Signed

FORM 8.

Certificate of Medical Practitioner.

In the matter of A. B. of [1] in the county [2] of [3], an alleged lunatic.

I, the undersigned C. D., do hereby certify as follows:

1. I am a person registered under the Medical Act, 1858, and I am in the actual practice of the medical profession.

2. On the day of 18, at [4] in the county [5] of [6], I personally examined

[1] Or hospital or asylum or as a single patient.
[2] Or an idiot or a person of unsound mind.
[3] Some day within two days before the date of the order.
[4] Husband, wife, father, mother-in-law, son-in-law, daughter, brother-in-law, sister-in-law, partner, or assistant.
[5] See Form 2.
[6] Describing house or hospital or asylum by situation and name.

the said A. B. and came to the conclusion that he is a [lunatic, an idiot, or a person of unsound mind] and a should there proper person to be taken charge of, and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz.:—

(a) Facts indicating insanity observed by myself at the time of examination [7], viz.:—

(b) Facts communicated by others, viz.:—[8]

[If an urgency certificate is required same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.]
[9] The names and christian names (if known) of informants to be given, with their addresses and descriptions.
[10] Strike out this clause in case of a private patient whose removal is not proposed.

4. I certify that the said A. B. is suffering from unsoundness of mind of a temporary character [or from decay of mind in old age, or is desirous of voluntarily submitting to care and treatment, as the case may be].

5. The said A. B. appeared to me to be [or not to be] in a fit condition of bodily health to be removed to an asylum, hospital, or licensed house.

6. I give this certificate having first read the section of the Act of Parliament printed below.

Dated

(Signed) C. D., of [10] full postal address.
Extract from section 23 of the Lunacy Acts Amendment Act, 1889.

Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

FORM 9.

Statement accompanying Urgency Order.

I certify that it is expedient for the welfare of the said A. B. [or for the public safety, as the case may be] that the said A. B. should be forthwith placed under care and treatment

My reasons for this conclusion are as follows: [state them].

FORM 10.

Certificate as to pauper Lunatic in a Workhouse.

I, the undersigned medical officer of Workhouse of the Union hereby certify that I have carefully examined into the state of health and mental condition of A. B., a pauper in the said workhouse, and that he is in my opinion a lunatic, and a proper person to be allowed to remain in the workhouse as a lunatic, and that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [or, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate].

The grounds for my opinion that the said A. B. is a lunatic are as follows:

Dated

(Signed)

Medical Officer of the Workhouse.

FORM 11.

Order for detention of Lunatic in Workhouse.

I, the undersigned C. D., a Justice of the peace for being satisfied that A. B., a pauper in the workhouse of the is a lunatic [or idiot or person of unsound mind] and a proper person to be taken charge of under care and treatment in the workhouse, and being satisfied that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [or, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should

be kept separate] hereby authorise you to take charge of, and, if the workhouse medical officer shall certify it to be necessary, to detain the said A. B. as a patient in your workhouse. Subjoined is a statement of particulars respecting the said A. B.

(Signed) C. D.,
A justice of the peace
for

Dated
To the Master of the
Workhouse
of the

Statement of Particulars.

Name of patient and Christian name at length.
Sex and age.
Married, single, or widowed.
Condition of life and previous occupation (if any).
Religious persuasion as far as known.
Previous place of abode.
Whether first attack.
Age (if known) on first attack.
When and where previously under care and treatment.
Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others.
Whether any near relative has been afflicted with insanity.
Name and Christian name and address of nearest known relative of the patient and degree of relationship if known.

I certify that to the best of my knowledge the above particulars are correct.
[To be signed by the relieving officer.]

FORM 12.

Order for reception of a Pauper Lunatic.

I, C.D., having called to my assistance E.F. of, a duly qualified medical practitioner, and being satisfied that A.B. [describing him] is a pauper [in receipt of relief, or in such circumstances as to require relief for his proper care and maintenance], and that the said A.B. is a lunatic [or an idiot, or a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A.B. as a patient into your asylum [or hospital, or house]. Subjoined is a statement of particulars respecting the said A.B.

(Signed) C.D.,
A justice of the peace for

Dated the day of one thousand eight hundred and

To the superintendent of the asylum for the county [or borough] of [or the lunatic hospital of]; or E.F. proprietor of the licensed house of; describing the asylum, hospital, or house].

Note.—Where the order directs the lunatic to be received into any asylum, other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it shall state, that the justice making the order is satisfied that there is no asylum of such county or borough, or that the asylum thereof is full; or (as the case may be) the special circumstances, by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.
The following is a statement of particulars relating to the said A.B. [1]:—

Name of patient, with Christian name at length.

Sex and age.
† Married, single, or widowed.

† Rank, profession, or previous occupation (if any).

† Religious persuasion.
Residence at or immediately previous to the date hereof.

[1] If any particulars are not known, the fact is to be so stated. [Where the patient is in the order described as an idiot omit the particulars marked†.]

† Whether first attack.

Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

† Duration of existing attack.

Supposed cause.
Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

Union to which lunatic chargeable.

Names, Christian names, and full postal addresses of one or more relatives of the patient.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed) G. H.

To be signed by the Relieving Officer or Overseer.

FORM 13.

Certificate that patient continues of unsound mind.

I, , certify that A.B., the patient [or A.B., C.D., &c., the patients] to whom the annexed report relates, is [or are] still of unsound mind, and a proper person [or proper persons] to be detained under care and treatment.

(Signed)

Medical officer of the asylum, or medical attendant of the hospital or house situate at , or medical practitioner visiting the said A.B.

Dated

FORM 14.

Consent of the Commissioners in Lunacy to the admission of a boarder.

We hereby sanction the admission of A.B. as a boarder into for the term of from the day of in accordance with the provisions of the statute and in terms of A.B.'s application.

(Signed)

Commissioners in Lunacy.

Given at the office of the Commissioners in Lunacy, London, this day of 18 .

FORM 15.

Order for Reception of a Lunatic not under proper care and control, or cruelly treated or neglected, to be made by a Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned C.D., being a Justice for specially appointed under the Lunacy Acts Amendment Act, 1889, having caused A.B. to be examined by two duly qualified medical practitioners, and being satisfied that the said A.B. is a lunatic not under proper care and control [or is cruelly treated or neglected by the person having the care or charge of him,] and that he is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A.B. as a patient into your asylum [or hospital or house]. Subjoined is a statement of particulars respecting the said A.B.

(Signed)

A justice of the peace for appointed under the above-mentioned Act.

Dated

To the Superintendent of the Asylum for , or of the lunatic hospital of , or the proprietor of the licensed house at .

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said A.B. [1]:—

[1] If any par-

Name of patient, with Christian name at length.
Sex and age.
† Married, single, or widowed.
† Rank, profession, or previous occupation (if any).
† Religious persuasion.
Residence at or immediately previous to the date hereof.

† Whether first attack.

Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

† Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

Union to which lunatic is chargeable.

Names, Christian names, and full postal addresses of one or more relatives of the patient.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed)

To be signed by the relieving officer, overseer, or other person on whose information the order is made.

FORM 16.

Certificate as to Mechanical Means of Restraint.

I, the undersigned C.D. [the medical superintendent, or a medical officer of the Asylum, or the Hospital, or the medical proprietor or attendant of the House, or the medical officer of the Workhouse, or the medical attendant of A.B., a lunatic under care or treatment at , as the case may be] certify that I have examined A.B., a lunatic in the said [asylum, hospital, house, or workhouse, or the said A.B., as the case may be], and that in my opinion mechanical means of bodily restraint were [or are] necessary in his case for purposes of surgical [or medical] treatment [or to prevent him from injuring himself or others]. The necessary means are [state them].

I found my opinion upon the following grounds [state them].

(Signed)

FORM 17.

Certificate of disability of Person entitled to Payments from a Public Department.

I, being a justice of the peace for or the rector, or vicar, or minister [state the denomination and residence], hereby certify that I know the said A.B., and that I believe him or her to be unable, by reason of mental disability, to manage his or her affairs; and I further certify that I believe the family of the said A.B. to consist of

Dated

Signed [Name].

[Place of abode].

FORM 18.

Medical Certificate of Disability of Person entitled to Payments from a Public Department.

I, being a person registered under the Medical Act, 1858, and in the actual practice of my profession, hereby certify that I have this day visited and personally examined A.B., and that the said A.B. is unable by reason of mental disability to manage his or her affairs, and that I have formed this conclusion on the following grounds, viz.: [state them].

Dated

Signed [Name].

[Postal address in full.]

THE SECOND SCHEDULE

[Sections 91, 93.]

Session and Chapter.	Short Title.
8 & 9 Vict. c. 110	The Lunacy Act, 1845.
16 & 17 Vict. c. 96	The Lunacy Act, 1853.
16 & 17 Vict. c. 97	The Lunatic Asylums Act, 1853.
18 & 19 Vict. c. 105	The Lunacy Act, 1855.
19 & 20 Vict. c. 87	The Lunacy Act, 1856.
25 & 26 Vict. c. 111	The Lunacy Act, 1862.
28 & 27 Vict. c. 110	The Lunacy Act, 1863.
28 & 29 Vict. c. 80	The Lunacy Act, 1865.
48 & 49 Vict. c. 52	The Lunacy Act, 1885.

THE THIRD SCHEDULE.

[Section 94.]

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 100	The Lunacy Act, 1845	Sections seventy-six, seventy-seven, and eighty-eight
16 & 17 Vict. c. 70	The Lunacy Regulation Act, 1853	Section one hundred and fifty-three
16 & 17 Vict. c. 96	The Lunacy Act, 1853	Sections five, six, eleven, twelve, and thirty-two
16 & 17 Vict. c. 97	The Lunatic Asylums Act, 1853	Schedules A. and B. Section thirty-five
		Section forty-three, the words "and such lunatic" to the end of the section
		Sections sixty-seven and sixty-eight so far as they provide that a justice may in any case act upon his own knowledge only for the purpose of making an order
		Section sixty-eight, so far as relates to any person, not a pauper and not wandering at large, who is deemed to be a lunatic and not under proper care and control or is cruelly treated or neglected by any relative or other person having the care or charge of him
		Sections sixty-nine, seventy-six, and eighty-seven
		Schedule F., Nos. 1, 2, and 3
25 & 26 Vict. c. 111	The Lunacy Act, 1862	Sections eighteen, twenty, twenty-four, twenty-seven, and forty
39 & 40 Vict. c. 36	The Customs Consolidation Act, 1876	Section three from "Provided" to the end of the section
50 & 51 Vict. c. 67	The Superannuation Act, 1887	Section seven, subsection one

CHAPTER 42.

[Revenue Act, 1889.]

An Act to amend the Law relating to the Customs and Inland Revenue, and for other purposes connected with the Public Revenue and Expenditure. [26th August, 1889.]

Be it enacted, &c. :

1. Prohibition of importation of certain books, and compressed tobacco.
2. Prohibition of importation of imitation coin.
3. Shippers of fuel to be used on board only, to be exporters within 44 & 45 Vict. c. 12.
4. Conveyance of explosives from Isle of Man to England, &c., to be deemed exportation and importation.
5. Repeal of certain words in 39 & 40 Vict. c. 36, s. 101, and 47 & 48 Vict. c. 62, s. 2.
6. Dutiable matter not to be separated from other matter taken from warehouse as unfit for consumption.
7. Payment of rewards.
8. Substitution of 39 & 40 Vict. c. 36, ss. 165-167 for 16 & 17 Vict. c. 107, ss. 195-197.

PART II.

TAXES.

9. Consideration for redemption or purchase of land tax.] (1.) Where the consideration for the redemption or purchase of any land tax under the several Acts in force in that behalf is a sum of stock, the stock shall be Two and Three-quarters per Cent. Consolidated Stock; and where the consideration is a sum of money, that sum shall be the amount calculated and ascertained by reference to the price of such stock.

(2.) The tables annexed to any of the said Acts shall be construed as if for references therein to Three per cent. Bank Annuities were substituted references to Two and Three-quarters per Cent. Consolidated Stock, and any forms contained in, or prescribed by, any of the said Acts may be altered so as to give effect to this section.

10. Rate of discount on pre-payment of income tax.] The allowance to be made under section one hundred and forty-one of the Act of the session held in the fifth and sixth years of Her Majesty's reign, chapter thirty-five, shall be at the rate of two pounds ten shillings per centum per annum in lieu of the rate of four pounds per centum per annum.

11. Partial repeal of 43 & 44 Vict. c. 19, s. 114.] So much of section one hundred and fourteen of the Taxes Management Act, 1880, as allows a collector of land tax to retain any excess of or surplus land tax is hereby repealed.

12. Allowance of income tax, Schedule A. to friendly societies.] Any friendly society which is legally established under any Act of Parliament relating to friendly societies, and which does not assure or grant to any individual any sum or annuity to an amount which would debar that society from the benefit of the exemption granted to friendly societies by the Act of the session held in the fifth and sixth years of Her Majesty's reign, chapter thirty-five, in respect of their stocks, dividends, and interest chargeable under Schedule (C) of the said Act shall, in addition to any exemption from income tax which the society may by law enjoy, be entitled to the like allowances in respect of any charge under Schedule (A.) to be made on the lands, tenements, hereditaments, or heritages belonging to the society as are granted to colleges and other properties mentioned in No. VI. of that schedule in section sixty-one of the said Act.

13. Amendment of law as to allowances to clerks to Commissioners of Taxes.] It shall be lawful for the Commissioners of Inland Revenue, with the consent of the Treasury, to grant, in addition to the allowances and remuneration payable to clerks to Commissioners of Income tax and Inhabited House Duties by virtue of the Taxes Management Act, 1880, such further sums for expenses incurred other than necessary office expenses, and by way of additional remuneration as they may deem expedient.

14. Proceedings against collectors and others in relation to taxes.] (1.) The provisions of the Taxes Management Act, 1880, shall not affect any prosecution on indictment or criminal letters for any felony or misdemeanour, provided that no person shall be proceeded against twice in respect of the same offence.

(2.) A collector of land tax, income tax, or inhabited house duties shall, for the purpose of any indictment or criminal letters for any felony or misdemeanour committed by him as such collector, be deemed to be employed in the public service of Her Majesty, and to be a clerk, officer, or servant of the Commissioners of Inland Revenue.

PART III.

STAMPS.

15. Repeal of 52 & 53 Vict. c. 7, s. 18, and substitution of other provisions therefor.] Section eighteen of the Customs and Inland Revenue Act, 1889, is hereby repealed, and there shall be substituted therefor the following, which shall commence and take effect as from the date of the passing of that Act:—

(1.) Any contract or agreement made in England or Ireland under seal, or under hand only, or made in Scotland, with or without any clause of registration, for the sale of any equitable estate or interest in any property, or for the sale of any estate or interest in any property excepts lands, tenements, hereditaments, or heritages, or property locally situate out of the United Kingdom, or goods, wares, or merchandise, or stock, or marketable securities, or any ship or vessel, or part interest, share, or property of or in any ship or vessel, shall be charged with the same ad valorem duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate, interest or property agreed or contracted to be sold.

(2.) Where the purchaser has paid the said ad valorem duty, and before having obtained a conveyance or transfer of the property, enters into a contract or agreement for the sale of the same, the contract or agreement shall be charged, if the consideration for sale is in excess of the consideration for the original sale, with the ad valorem duty payable in respect of such excess consideration, and in any other case with the fixed duty of ten shillings or of sixpence, as the case may require, according to the law in force prior to the passing of the Customs and Inland Revenue Act, 1889 [52 & 53 Vict. c. 7].

(3.) Where duty shall have been duly paid in conformity with the foregoing provisions, the conveyance or transfer made to the purchaser or sub-purchaser, or any other person on his behalf or by his direction, shall not be chargeable with any duty, and the Commissioners of Inland Revenue, upon application, either shall, under the provisions of section fourteen of the Stamp Act, 1870 [33 & 34 Vict. c. 97], denote the payment of the ad valorem duty upon the conveyance or transfer, or shall transfer the ad valorem duty thereto upon production of the contract or agreement, or contracts or agreements, duly stamped.

(4.) Provided that where any such contract or agreement is stamped with the fixed duty of ten shillings or of sixpence, as the case may require, according to the law in force prior to the passing of the Customs and Inland Revenue Act, 1889, the contract or agreement shall be regarded as duly stamped for the mere purpose of proceedings to enforce specific performance or recover damages for the breach thereof.

(5.) Provided also that where any such contract or agreement is stamped with the said fixed duty according to the law in force as aforesaid, and a conveyance or transfer made in conformity with the contract or agreement is presented to the said Commissioners for stamping with the ad valorem duty chargeable thereon under the said law within the period of six months after the first execution of the contract or agreement, or within such longer period as the said Commissioners may think reasonable in the circumstances of the case, the said conveyance or transfer shall be stamped accordingly, and the same, and the said contract or agreement, shall be

deemed to be duly stamped. Nothing in this proviso shall alter or affect the provisions of the said law as to the stamping of a conveyance or transfer after the execution thereof.

(6.) Provided also, that the ad valorem duty paid upon any such contract or agreement for sale as aforesaid shall be returned by the said Commissioners in case the contract or agreement be afterwards rescinded or annulled, or for any other reason be not substantially performed or carried into effect, so as to operate as or be followed by a conveyance or transfer.

(7.) Words and expressions in this section shall have the like meaning and interpretation as in the Stamp Act, 1870

16. *Extension of exemption of coupons.* [The exemption from Stamp Duty under the head "Bill of Exchange" in the schedule to the Stamp Act, 1870, of "Coupon or Warrant for Interest attached to and issued with any security," shall extend to a coupon or warrant for interest attached to and issued with any agreement or memorandum for the renewal or extension of time for payment of a security.

17. *Duty of one penny upon a lease or tack in Scotland may be denoted by adhesive stamp.* [The duty of one penny upon a lease or tack, or agreement for a lease or tack, in Scotland, of any dwelling-house or tenement, or part of a dwelling-house or tenement, for the definite term of a year at a rent not exceeding ten pounds per annum, or upon the duplicate or counterpart of any such instrument, may be denoted by an adhesive stamp which is to be cancelled by the person by whom the instrument is first executed.

18. *Amendment of 46 & 47 Vict. c. 30, s. 7, as to shares in colonial registers.* [Notwithstanding provision (b) in section seven of the Companies (Colonial Registers) Act, 1883, the share or other interest of a deceased member, registered in a Colonial register under that Act, who shall have died domiciled elsewhere than in the United Kingdom, shall, so far as relates to British duties, not be deemed to be part of his estate and effects situated in the United Kingdom, for or in respect of which probate or letters of administration is or are to be granted, or whereof an inventory is to be exhibited and recorded.

19. *Amendment of s. 11 of 47 & 48 Vict. c. 62.]* The proviso to section eleven of the Revenue Act, 1884, is hereby repealed, and that section shall be read as if the following proviso were therein inserted in lieu of the repealed proviso:

Provided that where a policy of life assurance has been effected with any insurance company by a person who shall die domiciled elsewhere than in the United Kingdom, the production of a grant of representation from a court in the United Kingdom shall not be necessary to establish the right to receive the money payable in respect of such policy.

20. *Policies of insurance against accident; composition by agreement for stamp duty thereon.* [Whereas a practice has arisen of inserting in newspapers and other publications notices or advertisements which purport to insure the payment of money upon the death of the holder or bearer of the newspaper or publication containing the notice or advertisement only from accident or violence or otherwise than from a natural cause, and doubts have arisen as to the liability of such notices or advertisements to the stamp duty of one penny imposed by the Stamp Act, 1870 [33 & 34 Vict. c. 97], upon a policy of insurance for any payment agreed to be made upon the death of any person only from accident or violence or otherwise than from a natural cause, and it is expedient to remove such doubts and to make such provisions in relation to composition for the stamp duty as are in this section contained: Be it therefore enacted as follows:—

(a.) The expression "policy of insurance against accident" as used in this section means a policy of insurance for any payment agreed to be made upon the death of any person only from accident or violence or otherwise than from a natural cause, or as

compensation for personal injury, and the term "policy" as defined in section one hundred and seventeen of the Stamp Act, 1870, shall be construed, in relation to a policy of insurance against accident, as including any notice or advertisement in a newspaper or other publication which purports to insure the payment of money upon the death of or injury to the holder or bearer of the newspaper or publication containing the notice only from accident or violence or otherwise than from a natural cause:

(b.) Where any person or body, corporate or unincorporate, issuing policies of insurance against accident, shall, in the opinion of the Commissioners of Inland Revenue, so carry on the business of such insurance as to render it impracticable or inexpedient to require that the stamp duty of one penny as imposed by the Stamp Act, 1870, be charged and paid upon the policies, it shall be lawful for the said Commissioners to enter into an agreement with that person or body for the delivery to them of quarterly accounts of all sums received in respect of premiums on policies of insurance against accident, and the agreement shall be in such form and contain such terms and conditions as the said Commissioners may think proper:

(c.) After an agreement has been entered into between the said Commissioners and any person or body under the foregoing provision and during the period for which the agreement is in force, no policy of insurance against accident issued by that person or body shall be chargeable with any stamp duty, but in lieu of and by way of composition for such stamp duty there shall be charged on the aggregate amount of all sums received in respect of premiums on policies of insurance against accident a duty at the rate of five pounds per centum, which duty shall be a stamp duty and shall be under the care and management of the said Commissioners, who by themselves and their officers shall have the same powers and authorities for the collection, recovery, and management thereof as are now vested in them for the collection, recovery, and management of any stamp duties, and shall have all other powers and authorities requisite for such purposes:

(d.) The quarterly accounts to be delivered by or on behalf of any person or body to the said Commissioners shall be delivered within twenty days after the fifth day of April, the fifth day of July, the tenth day of October, and the fifth day of January in every year, and every account shall be a full and true account of all unstamped policies of insurance against accident issued by that person or body during the quarter of a year ending on any of the said days next preceding the delivery thereof, and of all sums of money received for or in respect of such policies so issued during that quarter, and of all sums of money received and not already accounted for in respect of any other unstamped policies of insurance against accident issued at any time before the commencement of that quarter:

(e.) The duty imposed by this section shall be paid on the delivery of the account, and unless then paid shall be a debt due to Her Majesty from the person or body by or on whose behalf the account is delivered:

(f.) In the case of wilful neglect to deliver such an account as is hereby required or to pay the duty in conformity with this section, the person or body shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

PART IV.

EXCISE.

21. *Payment of allowances on certain spirits under 48 & 49 Vict. c. 51, s. 3.*

22. *Fractions of a penny not to be charged upon excise licences.*

23. *Expiration of tobacco licences taken out by retailers of intoxicating liquors.*

24. *Penalty for contravention of terms of excise licence.*

25. *Amendment of 43 & 44 Vict. c. 24.*

26. *Prohibition of the sale of methylated spirits on Sunday.*

27. *Consolidation of law relating to licences for the manufacture and sale of methylated spirits.*

28. *Meaning of "sweets or made wines."*

29. *Consolidation of law as to use of unjust scales, &c.*

PART V.

MISCELLANEOUS.

30. *Undisposed of residue of sailors' effects.* (1.) If in any case the residue or any part thereof of the estate or effects of a deceased officer, seaman, or marine, having been received by the Admiralty, remains undisposed of or unappropriated for a period of six years and a half from the date of the receipt by the Admiralty of notice of the death, the Admiralty shall, as soon as may be after the expiration of that period, pay or credit the said residue or part to the Greenwich Hospital capital account. Provided that this section shall not apply to any sums received by the Admiralty before the first day of April one thousand eight hundred and seventy-three, and that the application under this section of any residue, or part of a residue, shall not bar any subsequent claim of any person to the same.

(2.) This section shall be construed as part of the Navy and Marines (Property of Deceased) Act, 1865 [28 & 29 Vict. c. 111].

31. *Remission of fees payable to public department out of public money.* (1.) Any fee leviable in any public office which would, if levied, be payable out of money provided by Parliament shall, if the Treasury so direct, be remitted.

(2.) This section shall apply to all fees, percentages, and other sums to which the Public Offices (Fees) Act, 1879 [42 & 43 Vict. c. 58], for the time being applies.

32. *Accrual and payment of salaries, &c., charged on Consolidated Fund.* [All salaries, pensions, compensation allowances, and other allowances which are chargeable on the Consolidated Fund of the United Kingdom and are payable at quarterly periods shall accrue due from day to day, and shall be payable on such quarterly days as may be from time to time determined by the Treasury.

33. *Explanation of law as to annuities under 28 & 29 Vict. c. 89.]* Whereas by section nineteen of the Greenwich Hospital Act, 1865, it is enacted that where any commissioner, officer, clerk, or person, while in receipt of an annuity provided in accordance with that Act, is appointed to any office under the Crown or under the Admiralty, then, if the annuity is equal to or greater than the annual emoluments of the office to which he is appointed, the annuity shall be received by him in full discharge of those emoluments, and if the annuity is less than those emoluments, the amount of the annuity shall be received by him in discharge of an equal amount of those emoluments, and doubts have been entertained as to the meaning of this enactment; it is hereby declared that the said annuity shall be received in discharge only of the sum, if any, by which the annuity, together with the annual emoluments of the new office, exceeds the emoluments of the office in respect of which the annuity was granted.

34. *Amendment of 29 & 30 Vict. c. 62, s. 15.]* Section fifteen of the Crown Lands Act, 1866, shall have effect as if any reference to the payments to the perpetual curate of the Isle of Alderney were omitted from the warrant issued under that section.

35. *Definition of "Treasury."* In this Act "the Treasury" means the Commissioners of Her Majesty's Treasury.

36. *Repeal.]* The Acts specified in the Schedule

to this Act are hereby repealed to the extent specified in the third column of that schedule.

Provided that this repeal shall not affect—

- (a) any liability, penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (b) the exercise of any power or the commencement or continuance of any legal proceeding or remedy in respect of any such liability, penalty, forfeiture or punishment.

37. *Short title.*] This Act may be cited as the Revenue Act, 1889.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
10 Geo. 3, c. 44	An Act for more effectually preventing traders in exciseable commodities from using false weights and scales.	The whole Act.
26 Geo. 3, c. 77	An Act for the amendment of several laws relating to the duties under the management of the Commissioners of Excise.	In part, namely, except section twelve.
28 Geo. 3, c. 37	An Act for amending several laws relative to the revenue of excise.	The whole Act.
4 & 5 Will. 4, c. 77	An Act for repealing the duties on starch, stone bottles, sweets or made wines, mead or metheglin, and on scaleboard made from wood.	The whole Act.
18 & 19 Vict. c. 33	An Act to allow spirit of wine to be used duty free in the arts and manufactures of the United Kingdom.	The whole Act.
23 & 24 Vict. c. 113	An Act to grant duties of Excise on chicory and on licences to dealers in sweets or made wines; also to reduce the Excise duty on hops and the period of credit allowed for payment of the duty on malt and hops respectively; to repeal the exemption from licence duty of persons dealing in foreign wine and spirits in bond; and to amend the laws relating to the Excise.	In part, namely, section twenty-one, from "sweets or made wines" to "wines."
24 & 25 Vict. c. 91	An Act to amend the laws relating to the Inland Revenue.	In part, namely, sections one, two, and five.
26 & 27 Vict. c. 33	An Act for granting to Her Majesty certain duties of Inland Revenue and to amend the laws relating to the Inland Revenue.	In part, namely, section twenty-five.
27 & 28 Vict. c. 56	An Act for granting to Her Majesty certain stamp duties and to amend the laws relating to the Inland Revenue.	In part, namely, sections twelve and thirteen.

Session and Chapter.	Title.	Extent of Repeal.
30 & 31 Vict. c. 90	An Act to alter certain duties and to amend the laws relating to the Inland Revenue.	In part, namely, section eighteen.

CHAPTER 43.

[Merchant Shipping (Tonnage) Act, 1889.]

An Act to amend the Law relating to the Measurement of the Tonnage of Merchant Ships. [26th August 1889.]

Be it enacted, &c. :

1. *Amendment of rules for measurement of tonnages.*

(1.) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

(2.) In section twenty-one, paragraph (4), of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104], the words "First, that nothing shall be added for a closed-in space solely appropriated to the berthing of the crew, unless such space exceeds one twentieth of the remaining tonnage of the ship, and in case of such excess the excess only shall be added; and secondly"; and in section twenty-two, paragraph (2), of the same Act the words "subject to the deduction for a closed-in space appropriated to the crew, as mentioned in Rule 1," shall be repealed.

Provided that this section shall not apply until after the expiration of five years from the date of the passing of this Act to any ship in the measurement or re-measurement of which the deductions prohibited by this section have been made before the tenth day of March one thousand eight hundred and eighty-nine, or to any ship the building of which was commenced before the tenth day of March one thousand eight hundred and eighty-nine, and which is registered for the first time between that date and the last day of December one thousand eight hundred and eighty-nine, unless in either case the ship is, before the expiration of the said five years, measured or re-measured in accordance with the provisions of this Act, and any such ship may be measured or re-measured at the request of the owner.

But this exemption shall not extend to any ship in the case of which the allowance for propelling-power space exceeds fifty per cent. of the gross tonnage of the ship.

Subject as aforesaid, the tonnage of every ship shall be estimated for all purposes as if any deduction prohibited by this section had not been made, and the particulars relating to the ship's tonnage in the register book, and in her certificate of registry, shall be corrected accordingly.

2. *Rule as to allowance for engine room in steamers.*

—In the case of any ship built or measured after the passing of this Act, such portion of the space or spaces above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air, shall not be included in the measurement of the space occupied by the propelling power, except in pursuance of a request in writing to the Board of Trade by the owner of the ship, and shall not be included in pursuance of such request unless:—

(a.) that portion is first included in the measurement of the gross tonnage; and

(b.) a surveyor appointed under the Fourth Part of the Merchant Shipping Act, 1854, certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy, and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

3. *Deductions for navigation spaces, &c.* (1.) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage:—

(a.) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails:

(b.) In the case of any ship—

- (i.) Any space used exclusively for the accommodation of the master;
- (ii.) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores; and

(iii.) The space occupied by the donkey engine and boiler, if connected with the main pumps of the ship.

(2.) The deductions allowed under this section shall be subject to the following provisions, namely:—

(a.) The space deducted must be certified by a surveyor appointed by the Board of Trade as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended;

(b.) There must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied and that whilst so applied it is to be deducted from the tonnage of the ship;

(c.) The deduction on account of space for storage of sails must not exceed two and a half per cent. of the tonnage of the ship.

4. *Provisions as to deductions in case of certain steamships.* [In the case of a screw steamship which, at the passing of this Act, has an engine room allowance of thirty-two per cent. of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall be, on the application of the owner of the ship, or by direction of the Board of Trade, measured and its contents ascertained and added to the register tonnage of the ship; and if it appears that with such addition to the tonnage the engine room does not occupy more than thirteen per cent. of the tonnage of the ship, the existing allowance for engine room of thirty-two per cent. of the tonnage shall be continued, notwithstanding anything in this Act.]

5. *Measurement of ships with double bottoms for water ballast.* [In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor appointed by the Board of Trade to be not available for the carriage of cargo, stores, or fuel, then the depth required by section twenty-one, paragraph (2), of the Merchant Shipping Act, 1854, shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that section.]

6. *Re-measurement of foreign ships.* [If and when ever it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104], and the Acts amending the same, Her Majesty may from time to time, by Order in Council, direct that, notwithstanding any Order in Council for the time being in force under those Acts, any of the ships of that country may, for all or any of the purposes of those Acts, be re-measured in accordance with the provisions of those Acts, and Her Majesty may revoke any Order so made.]

7. *Short title and construction.* [This Act may be cited as the Merchant Shipping (Tonnage) Act, 1889, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same.]

CHAPTER 44.

[Prevention of Cruelty to, and Protection of, Children Act, 1889.]

An Act for the Prevention of Cruelty to, and better Protection of, Children.

[26th August, 1889.]

Be it enacted, &c.:

1. *Punishment for ill-treatment and neglect of children.* Any person over sixteen years of age who, having the custody, control, or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or injury to its health, shall be guilty of a misdemeanor, and, on conviction thereof on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition to payment thereof, to imprisonment, with or without hard labour, for any term not exceeding two years, and on conviction thereof by a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts, shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

2. *Power to increase fine where offender interested in death of child.* If it be proved that a person convicted on indictment as aforesaid was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed two hundred pounds. Such interest as aforesaid in any sum of money accruable or payable in the event of the death of the child shall be charged in the indictment and put to the jury in the same way, as far as may be, as a previous conviction is now charged and put.

3. *Restrictions on employment of children.* Any person who—

- (a) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or
- (b) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten p.m. and five a.m.; or
- (c) causes or procures any child under the age of ten years to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment for the purpose of singing, playing, or performing for profit, or offering anything for sale,

shall on conviction thereof by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that any local authority may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in sub-section (b) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein.

Provided also, that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown

to the satisfaction of a petty sessional court, or in Scotland the school board, that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said court or school board, anything in this Act notwithstanding, to grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as it may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said court or school board is satisfied, to take part in such entertainment or series of entertainments, and such licence may at any time be varied, added to, or rescinded by the said court or school board upon sufficient cause being shown; and such licence shall be sufficient protection to all persons acting under or in accordance with the same.

A Secretary of State may assign to any inspector appointed, or to be appointed under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

Nothing in this section shall affect the provisions of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79], or the Education (Scotland) Act, 1878 [41 & 42 Vict. c. 78].

So much of sub-section (c) of this section as makes it an offence to cause or procure a child to be in premises licensed according to law for public entertainment, or in any circus or other place of public amusement, for the purpose of singing, playing, or performing for profit, shall not come into operation until the first day of November one thousand eight hundred and eighty-nine.

4. *Taking of offender into custody, and protection of child.* (1.) Any constable may take into custody without warrant any person who within view of such constable commits an offence under this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; and any constable may take to a place of safety any child in respect of whom an offence under section one or sub-section (a) of section three of this Act has been committed, and the child may there be detained until it can be brought before a court of summary jurisdiction, and such court may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of the said offence has been determined by the committal for trial, or conviction, or discharge of such person.

(2.) Where a constable arrests any person without warrant in pursuance of this section the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

5. *Disposal of child by order of court.* (1.) Where a person having the custody or control of a child, being a boy under the age of fourteen or a girl under the age of sixteen years, has been

- (a) convicted of committing in respect of such child an offence under section one of this Act, or any offence involving bodily injury to the child and punishable with penal servitude; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards such child

any person may bring such child before a petty sessional court and the court, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a

relation of the child, or some other fit person named by the court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of his own motion or on the application of any person from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(2.) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child. In determining on the person to whom the child shall be so committed, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion.

Provided that if the order to commit the child to the charge of some relation or other person be made in respect of any person having been committed for trial for an offence, as specified in sub-section (1) (b) of this section, the court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he be acquitted of such charge, or if such charge be dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

(3.) One of Her Majesty's Principal Secretaries of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.

6. *Power of search.* (1.) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is bona fide acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill-treated or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering or to be injurious to its health, such magistrate or justices may issue a warrant authorising any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a court of summary jurisdiction; and the court before whom the child is brought

may cause it to be dealt with in the manner provided by section four.

Provided always, that the powers herein-before conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency: Provided also, that in the case of Scotland the jurisdiction hereby conferred on a magistrate or two justices shall be exercised only by a sheriff or sheriff substitute.

(2.) The magistrate or justices or justice, or in Scotland the sheriff or sheriff substitute, issuing such warrant may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

(3.) Any person authorised by warrant under this section to search for any child, and to take it to and detain it in a place of safety, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4.) Provided always, that every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the magistrate, justices, or justice otherwise direct, and may also, if the magistrate, justices, or justice so direct, be accompanied by a registered medical practitioner.

7. *Evidence of accused person.* In any proceeding against any person for an offence under this Act, such person shall be competent but not compellable, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

8. *Evidence of child of tender years.* Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth. And the evidence of such child, though not given on oath or affirmation, but otherwise taken and reduced into writing, in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848 [11 & 12 Vict. c. 42], or of section 14 of the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93], shall be deemed to be a deposition within the meaning of those sections:

Provided that—

- (a.) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and
- (b.) Any child whose evidence is received as aforesaid, and who shall wilfully give false evidence, shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879 [41 & 42 Vict. c. 49], in the case of juvenile offenders.

9. *Presumption of age of child.* Where a person is charged with an offence under this Act in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

10. *Appeal from summary conviction to general or quarter sessions.* When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application to the court

under section five of this Act, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such conviction, or order, or decision, in England and Ireland to a court of general or quarter sessions, and in Scotland to the High Court of Justiciary in the manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875 [38 & 39 Vict. c. 62], or any Act amending the same.

11. *Expenses of prosecution.* Where a misdemeanor under this Act is tried on indictment, the expenses of the prosecution shall be defrayed in like manner as in the case of a felony.

12. *Guardians may pay costs of proceedings.* The guardians of any union or parish, or in Scotland the parochial board of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the ill-treatment, neglect, abandonment, or exposure of any child, and, in the case of a union, shall charge such costs and expenses to the common fund.

13. *Provisions as to byelaws.* Every byelaw under this Act shall be subject—

- (a.) In England to section one hundred and eighty-four of the Public Health Act 1875, [38 & 39 Vict. c. 55], as if every local authority in England under this Act were a local authority within the meaning of that section, but with the substitution of one of Her Majesty's Principal Secretaries of State for the Local Government Board; and
- (b.) In Scotland to so much of section sixty-two of the Public Health (Scotland) Act, 1867 [30 & 31 Vict. c. 101], as provides for the confirmation of rules and regulations and the proceedings preliminary to confirmation as if such rules and regulations included byelaws under this Act, and the local authority within the meaning of that section, but with the substitution of the Secretary for Scotland for the Board of Supervision; and
- (c.) In Ireland to section two hundred and twenty-one of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52], with the substitution of the Lord-Lieutenant for the Local Government Board.

14. *Act not to take away right of parent, &c., to administer punishment.* Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

15. *Saving for proceedings under other laws.* Where an offence against this Act is also punishable under any other Act, or at common law, it may be prosecuted, and punished either under this Act, or under the other Act, or at common law, so that no person be punished twice for the same offence.

16. *Secs. 8, 11, not to apply to Scotland.* Sections eight and eleven of this Act shall not apply to Scotland.

17. *Definitions.* In this Act—

The expression "Summary Jurisdiction Acts" means—

- (a.) as regards England, the Summary Jurisdiction (English) Acts; and
 - (b.) as regards Scotland, the Summary Jurisdiction (Scotland) Acts, 1864 [27 & 28 Vict. c. 53] and 1881 [44 & 45 Vict. c. 33], and any Act amending the same; and
 - (c.) as regards Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for that district, or of the police for that district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act 1851, [14 & 15 Vict. c. 93], and any Act amending the same;
- The expression "court of summary jurisdiction" means—

- (a.) as regards England, has the same meaning as in the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49]; and
- (b.) as regards Scotland, means the sheriff, or sheriff substitute; and

(c.) as regards Ireland, means any justice or justices of the peace, police magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to. The expression "petty sessional court"—

(a.) as regards England, has the same meaning as in the Summary Jurisdiction Act, 1879;

(b.) as regards Scotland and Ireland, has the same meaning as the expression court of summary jurisdiction as above defined.

The expression "street" includes any highway or other public place, whether a thoroughfare or not;

The expression "place of safety" includes a workhouse and any place certified by the local authority by bye-law under this Act for the purposes of this Act;

The expression "parent" when used in relation to a child includes guardian and every person who is by law liable to maintain the child;

The expression "committed for trial" means, as regards England or Ireland, committed to prison or admitted to bail in manner provided in the Indictable Offences Act, 1848 [11 & 12 Vict. c. 42] or the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93].

The expression "Industrial Schools Acts" means—

(a.) as regards England and Scotland, the Industrial Schools Act, 1866 [29 & 30 Vict. c. 118], and the Acts amending the same, or any Act of the present or any future session of Parliament repealing that Act and re-enacting the provisions thereof with or without modifications; and

(b.) as regards Ireland, the Industrial Schools Act (Ireland), 1868 [31 & 32 Vict. c. 25], and the Acts amending the same.

The expression "local authority" means, as regards any borough in England, the council of the borough; as regards the city of London, the common council; as regards the county of London, the county council; and as regards any other place in England, the urban or rural sanitary authority; as regards any burgh in Scotland being either a royal burgh or a burgh returning or contributing to return a member to Parliament, the town council; as regards any police burgh in Scotland, the Commissioners of Police thereof, and as regards any county in Scotland exclusive of any such burgh, the Commissioners of Supply, or in their place any other body by any Act of this present session of Parliament entrusted with the administrative business of such county; and as regards Ireland the sanitary authority within the meaning of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52].

The expression "Lord Lieutenant" includes Lords Justices or other Chief Governor or Governors of Ireland for the time being.

As regards Scotland,—

The expression "misdemeanor" means crime and offence;

The expression "enter into a recognisance with or without sureties" means grant a bond of caution;

The expression "justice of the peace" means sheriff or sheriff substitute;

The expression "workhouse" means poor house.

18. *Repeal of 31 & 32 Vict. c. 122, s. 37.* Section thirty-seven of the Poor Law Amendment Act, 1868 is hereby repealed.

Provided that such repeal shall not affect—

- (a.) Anything duly done or suffered under the enactment hereby repealed; or
- (b.) Any penalty, forfeiture, or punishment incurred under any offence committed against the enactment hereby repealed; or
- (c.) Any legal proceeding in respect of any such penalty, forfeiture, or punishment; and any such legal proceeding may be instituted and carried on, and the penalty, forfeiture, or punishment enforced, in like manner as if this Act had not passed.

19. *Short title*] This Act may be cited as the Prevention of Cruelty to, and Protection of, Children Act, 1889.

CHAPTER 45.

[Factors Act, 1889.]

An Act to amend and consolidate the Factors Acts.

[26th August 1889.]

Be it enacted, &c.:

Preliminary.

1. *Definitions.*] For the purposes of this Act—

(1.) The expression "mercantile agent" shall mean a mercantile agent having in the customary course of his business as such agent authority either to sell goods, or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods:

(2.) A person shall be deemed to be in possession of goods or of the documents of title to goods, where the goods or documents are in his actual custody or are held by any other person subject to his control or for him or on his behalf:

(3.) The expression "goods" shall include wares and merchandise:

(4.) The expression "document of title" shall include any bill of lading, dock warrant, warehouse-keeper's certificate, and warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented:

(5.) The expression "pledge" shall include any contract pledging, or giving a lien or security on, goods, whether in consideration of an original advance or of any further or continuing advance or of any pecuniary liability:

(6.) The expression "person" shall include any body of persons corporate or unincorporate.

Dispositions by Mercantile Agents.

2. *Powers of mercantile agent with respect to disposition of goods.*] (1.) Where a mercantile agent is, with the consent of the owner, in possession of goods or of the documents of title to goods, any sale, pledge, or other disposition of the goods, made by him when acting in the ordinary course of business of a mercantile agent, shall, subject to the provisions of this Act, be as valid as if he were expressly authorised by the owner of the goods to make the same; provided that the person taking under the disposition acts in good faith, and has not at the time of the disposition notice that the person making the disposition has not authority to make the same.

(2.) Where a mercantile agent has, with the consent of the owner, been in possession of goods or of the documents of title to goods, any sale, pledge, or other disposition, which would have been valid if the consent had continued, shall be valid notwithstanding the determination of the consent: provided that the person taking under the disposition has not at the time thereof notice that the consent has been determined.

(3.) Where a mercantile agent has obtained possession of any documents of title to goods by reason of his being or having been, with the consent of the owner, in possession of the goods represented thereby, or of any other documents of title to the goods, his possession of the first-mentioned documents shall, for the purposes of this Act, be deemed to be with the consent of the owner.

(4.) For the purposes of this Act the consent of the owner shall be presumed in the absence of evidence to the contrary.

3. *Effect of pledges of documents of title.*] A pledge of the documents of title to goods shall be deemed to be a pledge of the goods.

4. *Pledge for antecedent debt.*] Where a mercantile

agent pledges goods as security for a debt or liability due from the pledgor to the pledgee before the time of the pledge, the pledgee shall acquire no further right to the goods than could have been enforced by the pledgor at the time of the pledge.

5. *Rights acquired by exchange of goods or documents.*] The consideration necessary for the validity of a sale, pledge, or other disposition, of goods, in pursuance of this Act, may be either a payment in cash, or the delivery or transfer of other goods, or of a document of title to goods, or of a negotiable security, or any other valuable consideration; but where goods are pledged by a mercantile agent in consideration of the delivery or transfer of other goods, or of a document of title to goods, or of a negotiable security, the pledgee shall acquire no right or interest in the goods so pledged in excess of the value of the goods, documents, or security when so delivered or transferred in exchange.

6. *Agreements through clerks, &c.*] For the purposes of this Act an agreement made with a mercantile agent through a clerk or other person authorised in the ordinary course of business to make contracts of sale or pledge on his behalf shall be deemed to be an agreement with the agent.

7. *Provisions as to consignors and consignees.*] (1.) Where the owner of goods has given possession of the goods to another person for the purpose of consignment or sale, or has shipped the goods in the name of another person, and the consignee of the goods has not had notice that such person is not the owner of the goods, the consignee shall, in respect of advances made to or for the use of such person, have the same lien on the goods as if such person were the owner of the goods, and may transfer any such lien to another person.

(2.) Nothing in this section shall limit or affect the validity of any sale, pledge, or disposition, by a mercantile agent.

Dispositions by Sellers and Buyers of Goods.

8. *Disposition by seller remaining in possession.*] Where a person, having sold goods, continues, or is, in possession of the goods or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, or under any agreement for sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

9. *Disposition by buyer obtaining possession.*] Where a person, having bought or agreed to buy goods, obtains with the consent of the seller possession of the goods or the documents of title to the goods, the delivery or transfer, by that person or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, or under any agreement for sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

10. *Effect of transfer of documents on vendor's lien or right of stoppage in transitu.*] Where a document of title to goods has been lawfully transferred to a person as a buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, the last-mentioned transfer shall have the same effect for defeating any vendor's lien or right of stoppage in transitu as the transfer of a bill of lading has for defeating the right of stoppage in transitu.

Supplemental.

11. *Manner of transferring documents.*] For the purposes of this Act, the transfer of a document

may be by endorsement, or, where the document is by custom or by its express terms transferable by delivery, or makes the goods deliverable to the bearer, then by delivery.

12. *Saving for rights of true owner.*] (1.) Nothing in this Act shall authorise an agent to exceed or depart from his authority as between himself and his principal, or exempt him from any liability, civil or criminal, for so doing.

(2.) Nothing in this Act shall prevent the owner of goods from recovering the goods from an agent or his trustee in bankruptcy at any time before the sale or pledge thereof, or shall prevent the owner of goods pledged by an agent from having the right to redeem the goods at any time before the sale thereof, on satisfying the claim for which the goods were pledged, and paying to the agent, if by him required, any money in respect of which the agent would by law be entitled to retain the goods or the documents of title thereto, or any of them, by way of lien as against the owner, or from recovering from any person with whom the goods have been pledged any balance of money remaining in his hands as the produce of the sale of the goods after deducting the amount of his lien.

(3.) Nothing in this Act shall prevent the owner of goods sold by an agent from recovering from the buyer the price agreed to be paid for the same, or any part of that price, subject to any right of set off on the part of the buyer against the agent.

13. *Saving for common law powers of agent.*] The provisions of this Act shall be construed in simplification and not in derogation of the powers exercisable by an agent independently of this Act.

14. *Repeal.*] The enactments mentioned in the schedule to this Act are hereby repealed as from the commencement of this Act, but this repeal shall not affect any right acquired or liability incurred before the commencement of this Act under any enactment hereby repealed.

15. *Commencement.*] This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety.

16. *Extent of Act.*] This Act shall not extend to Scotland.

17. *Short title.*] This Act may be cited as the Factors Act, 1889.

SCHEDULE.

ENACTMENTS REPEALED.

[Section 14.]

Session and Chapter.	Title.	Extent of Repeal.
4 Geo. 4, c. 83	An Act for the better protection of the property of merchants and others who may hereafter enter into contracts or agreements in relation to goods, wares, or merchandise entrusted to factors or agents.	The whole Act.
6 Geo. 4, c. 94	An Act to alter and amend an Act for the better protection of the property of merchants and others who may hereafter enter into contracts or agreements in relation to goods, wares, or merchandise entrusted to factors or agents.	The whole Act.
5 & 6 Vict. c. 39.	An Act to amend the law relating to advances bona fide made to agents entrusted with goods.	The whole Act.
40 & 41 Vict. c. 39.	An Act to amend the Factors Acts.	The whole Act.

CHAPTER 46.

[Merchant Shipping Act, 1889.]

An Act to amend the Merchant Shipping Act, 1854, and the Acts amending the same.

[26th August 1889.]

Be it enacted, &c. :

1. Remedies for recovery of master's disbursements.] Every master of a ship and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements properly made by him on account of the ship, and for liabilities properly incurred by him on account of the ship, as a master of a ship now has for the recovery of his wages; and if in any proceeding in any Court of Admiralty or Vice Admiralty, or in any county court having Admiralty jurisdiction, touching the claim of a master or any person lawfully acting as master to wages or such disbursements or liabilities as aforesaid, any right of set-off or counterclaim is set up, it shall be lawful for the court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

2. Restrictions on advance notes.] (1.) Any agreement with a seaman made under section one hundred and forty-nine of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104, s. 149], may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement.

(2.) Save as authorised by this section, any agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and no money paid in satisfaction or in respect of any such agreement shall be deducted from the seaman's wages, and no person shall have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

(3.) Nothing in this section shall affect any allotment made under the Merchant Shipping Act, 1854, or the Acts amending the same.

(4.) Section two of the Merchant Seamen (Payment of Wages and Rating) Act, 1880 [43 & 44 Vict. c. 16], is hereby repealed.

3. Register of deserters.] Every superintendent of a mercantile marine office shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show this list to any master of a ship.

A superintendent of a mercantile marine office shall not be liable in respect of any entry made in good faith in the list so kept.

4. Rule as to payment of British seamen in foreign money.] Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement for the time being current at the place where the payment is made.

5. Provisions as to steamships to apply to ships propelled by electricity, &c.] The provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, with respect to steamships, shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Board of Trade may from time to time prescribe for purposes of adaptation.

6. Short title and construction.] (1.) This Act may be cited as the Merchant Shipping Act, 1889.

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and this Act and those Acts may be cited collectively as the Merchant Shipping Acts, 1854 to 1889.

CHAPTER 47.

[Palatine Court of Durham Act, 1889.]

An Act to amend the Practice and Proceedings of the Court of Chancery of the county palatine of Durham.

[26th August 1889.]

(CHAPTER 48.

[County Court Appeals (Ireland) Act, 1889]

An Act to amend the County Court (Ireland) Acts.

[26th August 1889.]

CHAPTER 49.

[Arbitration Act, 1889.]

An Act for amending and consolidating the enactments relating to Arbitration.

[26th August 1889.]

Be it enacted, &c. :

References by Consent out of Court.

1. Submission to be irrevocable, and to have effect as an order of court.] A submission, unless a contrary intention is expressed therein, shall be irrevocable, except by leave of the Court or a judge, and shall have the same effect in all respects as if it had been made an order of Court.

2. Provisions implied in submissions.] A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the First Schedule to this Act, so far as they are applicable to the reference under the submission.

3. Reference to official referee.] Where a submission provides that the reference shall be to an official referee, any official referee to whom application is made shall, subject to any order of the Court or a judge as to transfer or otherwise, hear and determine the matters agreed to be referred.

4. Power to stay proceedings where there is a submission.] If any party to a submission, or any person claiming through or under him, commences any legal proceedings in any court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking any other steps in the proceedings, apply to that court to stay the proceedings, and that court or a judge thereof if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

5. Power for the court in certain cases to appoint an arbitrator, umpire, or third arbitrator.] In any of the following cases:—

(a.) Where a submission provides that the reference shall be to a single arbitrator, and all the parties do not after differences have arisen concur in the appointment of an arbitrator:

(b.) If an appointed arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy:

(c.) Where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him:

(d.) Where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy:

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire, or third arbitrator.

If the appointment is not made within seven clear days after the service of the notice, the Court or a judge may, on application by the party who

gave the notice, appoint an arbitrator, umpire, or third arbitrator, who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

6. Power for parties in certain cases to supply vacancy.] Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless the submission expresses a contrary intention—

(a.) If either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, the party who appointed him may appoint a new arbitrator in his place;

(b.) If, in such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court or a judge may set aside any appointment made in pursuance of this section.

7. Powers of arbitrator.] The arbitrators or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power—

(a.) To administer oaths to or take the affirmations of the parties and witnesses appearing; and

(b.) To state an award as to the whole or part thereof in the form of a special case for the opinion of the Court; and

(c.) To correct in an award any clerical mistake or error arising from any accidental slip or omission.

8. Witnesses may be summoned by subpoena.] Any party to a submission may sue out a writ of subpoena ad testificandum, or a writ of subpoena duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

9. Power to enlarge time for making award.] The time for making an award may from time to time be enlarged by order of the Court or a judge, whether the time for making the award has expired or not.

10. Power to remit award.] (1.) In all cases of reference to arbitration the Court or a judge may from time to time remit the matters referred, or any of them, to the reconsideration of the arbitrators or umpire.

(2.) Where an award is remitted, the arbitrators or umpire shall, unless the order otherwise directs, make their award within three months after the date of the order.

11. Power to set aside award.] (1.) Where an arbitrator or umpire has misconducted himself, the Court may remove him.

(2.) Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set the award aside.

12. Enforcing award.] An award on a submission may, by leave of the Court or a judge, be enforced in the same manner as a judgment or order to the same effect.

References under Order of Court.

13. Reference for Report.] (1.) Subject to Rules of Court and to any right to have particular cases tried by a jury, the Court or a judge may refer any question arising in any cause or matter (other than a criminal proceeding by the Crown) for inquiry or report to any official or special referee.

(2.) The report of an official or special referee may be adopted wholly or partially by the Court or a judge, and if so adopted may be enforced as a judgment or order to the same effect.

14. Power to refer in certain cases.] In any cause or matter (other than a criminal proceeding by the Crown),—

(a.) If all the parties interested who are not under disability consent: or,

(b.) If the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Court or a judge conveniently be made before a jury or conducted by the Court through its other ordinary officers: or

(c.) If the question in dispute consists wholly or in part of matters of account;

the Court or a judge may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee or arbitrator respectively agreed on by the parties, or before an official referee or officer of the Court.

15. Powers and remuneration of referees and arbitrators.] (1.) In all cases of reference to an official or special referee or arbitrator under an order of the Court or a judge in any cause or matter, the official or special referee or arbitrator shall be deemed to be an officer of the Court, and shall have such authority, and shall conduct the reference in such manner, as may be prescribed by Rules of Court, and subject thereto as the Court or a judge may direct.

(2.) The report or award of any official or special referee or arbitrator on any such reference shall, unless set aside by the Court or a judge, be equivalent to the verdict of a jury.

(3.) The remuneration to be paid to any special referee or arbitrator to whom any matter is referred under order of the Court or a judge shall be determined by the Court or a judge.

16. Court to have powers as in references by consent.] The Court or a judge shall, as to references under order of the Court or a judge, have all the powers which are by this act conferred on the Court or a judge as to references by consent out of Court.

17. Court of Appeal to have powers of Court.] Her Majesty's Court of appeal shall have all the powers conferred by this Act on the Court or a judge thereof under the provisions relating to references under order of the Court.

General.

18. Power to compel attendance of witness in any part of the United Kingdom, and to order habeas corpus to issue.] (1.) The Court or a judge may order that a writ of subpoena ad testificandum or of subpoena duces tecum shall issue to compel the attendance before an official or special referee, or before any arbitrator or umpire, of a witness wherever he may be within the United Kingdom.

(2.) The Court or a judge may also order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before an official or special referee, or before any arbitrator or umpire.

19. Statement of case pending arbitration.] Any referee, arbitrator, or umpire may at any stage of the proceedings under a reference, and shall, if so directed by the Court or a judge, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference.

20. Costs.] Any order made under this Act may be made on such terms as to costs, or otherwise, as the authority making the order thinks just.

21. Exercise of powers by masters and other officers.] Provision may from time to time be made by Rules of Court for conferring on any master, or other officer of the Supreme Court, all or any of the jurisdiction conferred by this Act on the Court or a judge.

22. Penalty for perjury.] Any person who wilfully and corruptly gives false evidence before any referee, arbitrator, or umpire shall be guilty of perjury, as if the evidence had been given in open court, and may be dealt with, prosecuted, and punished accordingly.

23. Crown to be bound.] This Act shall, except as in this Act expressly mentioned, apply to any arbitration to which Her Majesty the Queen, either in right of the Crown, or of the Duchy of Lancaster or otherwise, or the Duke of Cornwall, is a party, but nothing in this Act shall empower the Court or a judge to order any proceedings to which Her Majesty or the Duke of Cornwall is a party, or any question or issue in any such proceedings, to be tried before any referee, arbitrator, or officer without the consent of Her Majesty or

the Duke of Cornwall, as the case may be, or shall affect the law as to costs payable by the Crown.

24. Application of Act to references under statutory powers.] This Act shall apply to every arbitration under any Act passed before or after the commencement of this Act as if the arbitration were pursuant to a submission, except in so far as this Act is inconsistent with the regulating the arbitration or with any rules or procedure authorised or recognised by that Act.

25. Saving for pending arbitrations.] This Act shall not affect any arbitration pending at the commencement of this Act, but shall apply to any arbitration commenced after the commencement of this Act under any agreement or order made before the commencement of this Act.

26. Repeal.] (1.) The enactments described in the Second Schedule to this Act are hereby repealed to the extent therein mentioned, but this repeal shall not affect anything done or suffered, or any right acquired or duty imposed or liability incurred before the commencement of this Act, or the institution or prosecution to its termination of any legal proceeding or other remedy for ascertaining or enforcing any such liability.

(2.) Any enactment or instrument referring to any enactment repealed by this Act shall be construed as referring to this Act.

27. Definitions.] In this Act, unless the contrary intention appears,—

"Submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

"Court" means Her Majesty's High Court of Justice.

"Judge" means a judge of Her Majesty's High Court of Justice.

"Rules of Court" means the Rules of the Supreme Court made by the proper authority under the Judicature Acts.

28. Extent.] This Act shall not extend to Scotland or Ireland.

29. Commencement.] This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety.

30. Short title.] This Act may be cited as the Arbitration Act, 1889.

SCHEDULES.

THE FIRST SCHEDULE.

PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

a. If no other mode of reference is provided, the reference shall be to a single arbitrator.

b. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

c. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing, signed by them, may from time to time enlarge the time for making the award.

d. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire a notice in writing, stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

e. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

f. The parties to the reference, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings, and documents within their possession or power respectively which may be required or called for, and do all other things which during the pro-

ceedings on the reference the arbitrator or umpire may require.

g. The witnesses on the reference shall, if the arbitrator or umpire thinks fit, be examined on oath or affirmation.

h. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

i. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Will. 3, c. 15.	An Act for determining differences by arbitration.	The whole Act.
3 & 4 Will. 4, c. 42.	An Act for the further amendment of the law and the better advancement of justice.	Sections thirty-nine to forty-one, both inclusive.
17 & 18 Vict. c. 125.	The Common Law Procedure Act, 1854.	Sections three to seventeen, both inclusive.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	Section fifty-six, from "Subject to any "Rules of Court" down to "as a "judgment by the "Court," both inclusive, and the words "special "referees or." Sections fifty-seven to fifty-nine, both inclusive.
47 & 48 Vict. c. 61.	The Supreme Court of Judicature Act, 1884.	Sections nine to eleven, both inclusive.

CHAPTER 50.

[Local Government (Scotland) Act, 1889.]

An Act to amend the Laws relating to Local Government in Scotland.

[26th August 1889.]

CHAPTER 51.

[General Police and Improvement (Scotland) Act, 1862, Amendment Act, 1889.]

An Act to amend the General Police and Improvement (Scotland) Act, 1862.

[26th August 1889.]

CHAPTER 52.

[Official Secrets Act, 1889.]

An Act to prevent the Disclosure of Official Documents and Information.

[26th August 1889.]

Be it enacted, &c. :

1. *Disclosure of information.]* (1.) (a) Where a person for the purpose of wrongfully obtaining information—

(i) enters or is in any part of a place belonging to Her Majesty the Queen, being a fortress, arsenal, factory, dock-yard, camp, ship, office, or other like place, in which part he is not entitled to be; or

(ii.) when lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of any thing which he is not entitled to obtain, or takes without lawful authority any sketch or plan; or

(iii.) when outside any fortress, arsenal, factory, dockyard, or camp belonging to Her Majesty the Queen, takes or attempts to take without authority given by or on behalf of Her Majesty, any sketch or plan of that fortress, arsenal, factory, dockyard, or camp; or

(b.) where a person knowingly having possession of, or control over, any such document, sketch, plan, model, or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Act at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time; or

(c.) where a person after having been entrusted in confidence by some officer under Her Majesty the Queen with any document, sketch, plan, model, or information relating to any such place as aforesaid, or to the naval or military affairs of Her Majesty, wilfully and in breach of such confidence, communicates the same when, in the interest of the State, it ought not to be communicated;

he shall be guilty of a misdemeanour, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(2.) Where a person having possession of any document, sketch, plan, model, or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office, or other like place belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not, in the interest of the State, to be communicated at that time, he shall be guilty of a misdemeanour, and be liable to the same punishment as if he committed an offence under the foregoing provisions of this section.

(3.) Where a person commits any act declared by this section to be a misdemeanour, he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model, or knowledge obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life, or for any term not less than five years, or to imprisonment for any term not exceeding two years with or without hard labour.

2. *Breach of official trust.* (1) Where a person, by means of his holding or having held an office under Her Majesty the Queen, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan, or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model, or information to any person to whom the same ought not, in the interest of the State, or otherwise in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust.

(2.) A person guilty of a breach of official trust shall—

(a) if the communication was made or attempted to be made to a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life, or for any term not less than five years, or to imprisonment for any term not exceeding two years, with or without hard labour; and

(b.) in any other case be guilty of a misdemeanour, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(3.) This section shall apply to a person holding a contract with any department of the Government

of the United Kingdom, or with the holder of any office under Her Majesty the Queen as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty the Queen.

3. *Punishment for incitement or counselling to commit offence.* Any person who incites or counsels, or attempts to procure, another person to commit an offence under this Act, shall be guilty of a misdemeanour, and on conviction be liable to the same punishment as if he had committed the offence.

4. *Expenses of prosecution.* The expenses of the prosecution of a misdemeanour under this Act shall be defrayed in like manner as in the case of a felony.

5. *Saving for laws of British possessions.* If by any law made before or after the passing of this Act by the legislature of any British possession provisions are made which appear to Her Majesty the Queen to be of the like effect as those contained in this Act, Her Majesty may, by Order in Council, suspend the operation within such British possession of this Act, or of any part thereof, so long as such law continues in force there, and no longer, and such order shall have effect as if it were enacted in this Act:

Provided that the suspension of this Act, or of any part thereof, in any British possession shall not extend to the holder of an office under Her Majesty the Queen who is not appointed to that office by the Government of that possession.

The expression "British possession" means any part of Her Majesty's dominions not within the United Kingdom.

6. *Extent of Act and place of trial of offence.* (1.) This Act shall apply to all acts made offences by this Act when committed in any part of Her Majesty's dominions, or when committed by British officers or subjects elsewhere.

(2.) An offence under this Act, if alleged to have been committed out of the United Kingdom, may be inquired of, heard, and determined, in any competent British court in the place where the offence was committed, or in Her Majesty's High Court of Justice in England or the Central Criminal Court, and the Act of the forty-second year of the reign of King George the Third, chapter eighty-five, shall apply in like manner as if the offence were mentioned in that Act, and the Central Criminal Court as well as the High Court possessed the jurisdiction given by that Act to the Court of King's Bench.

(3.) An offence under this Act shall not be tried by any court of general or quarter sessions, nor by the sheriff court in Scotland, nor by any court out of the United Kingdom which has not jurisdiction to try crimes which involve the greatest punishment allowed by law.

(4.) The provisions of the Criminal Law and Procedure (Ireland) Act, 1887 [50 & 51 Vict. c. 20.], shall not apply to any trial under the provisions of this Act.

7. *Restriction on prosecution.* (1.) A prosecution for an offence against this Act shall not be instituted except by or with the consent of the Attorney-General.

(2.) In this section the expression "Attorney-General" means the Attorney or Solicitor General for England; and as respects Scotland, means the Lord Advocate; and as respects Ireland, means the Attorney or Solicitor General for Ireland; and if the prosecution is instituted in any court out of the United Kingdom, means the person who in that court is Attorney-General, or exercises the like functions as the Attorney-General in England.

8. *Interpretations.* In this Act, unless the context otherwise requires—

Any reference to a place belonging to Her Majesty the Queen includes a place belonging to any department of the Government of the United Kingdom or of any of Her Majesty's possessions, whether the place is or is not actually vested in Her Majesty; Expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch,

plan, model, or information itself or the substance or effect thereof only be communicated;

The expression "document" includes part of a document;

The expression "model" includes design, pattern, and specimen;

The expression "sketch" includes any photograph or other mode of representation of any place or thing;

The expression "office under Her Majesty the Queen," includes any office or employment in or under any department of the Government of the United Kingdom, and so far as regards any document, sketch, plan, model, or information relating to the naval or military affairs of Her Majesty, includes any office or employment in or under any department of the Government of any of Her Majesty's possessions.

9. *Saving.* This Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or by military or naval law, or under any Act of Parliament other than this Act, so, however, that no person be punished twice for the same offence.

10. *Short title.* This Act may be cited as the Official Secrets Act, 1889.

CHAPTER 53.

[*Paymaster General Act, 1889.*]

An Act to amend the Acts relating to the Office of Paymaster General, and to make better Provision for the Discharge of the Duties of that Office.

[30th August, 1889.]

Be it enacted, &c.:

1. *Power for Treasury to make Regulations.* (1.) The Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) may from time to time make regulations—

(a) For transferring to the Bank of England or the Bank of Ireland any of the duties performed at the passing of this Act in the office of Her Majesty's Paymaster General; and

(b.) For otherwise altering or rescinding the regulations in force at the passing of this Act for the conduct of business in the said office; and

(c.) In the case of any funds or securities required by any enactment in force at the passing of this Act to stand in the name of or be held by the Paymaster General or Assistant Paymaster General jointly with any other person, for substituting for the Paymaster General or Assistant Paymaster General any officer of the Bank of England appointed in that behalf by the Treasury, with the concurrence of the Governor and Company of the Bank of England, or any officer of any public department.

(2.) All regulations made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the then next meeting of Parliament.

(3.) The validity of any power of attorney or other authority given by the Paymaster General or Assistant Paymaster General shall not be affected by anything done in pursuance of regulations made under this section.

(4.) Nothing in or done under this section shall affect any of the provisions of the Chancery Funds Act, 1872 [35 & 36 Vict. c. 44.], or of the Supreme Court of Judicature (Funds, &c.) Act, 1883 [46 & 47 Vict. c. 29.].

2. *Repeal of 29 & 30 Vict. c. 39, s. 17.* Section seventeen of the Exchequer and Audit Departments Act, 1866, is hereby repealed.

3. *Short title.* This Act may be cited as the Paymaster General Act, 1889.

CHAPTER 54.

[*Clerks of Session (Scotland) Regulation Act, 1889.*]

An Act to regulate the Number and Duties of

the Clerks of the Court of Session and Bill Chamber in Scotland, and for other purposes.
[30th August 1889.]

CHAPTER 55.

[Universities (Scotland) Act, 1889.]

An Act for the better Administration and Endowment of the Universities of Scotland.
[30th August 1889.]

CHAPTER 56.

[Poor Law Act, 1889.]

An Act to amend the Law respecting Children in Workhouses, and respecting the borrowing of Money by Guardians and Managers of District Schools, and respecting the Managers of the Metropolitan Asylum District.
[30th August 1889.]

Be it enacted, &c.:

1. Control of guardians over child deserted by parent.]

(1.) Where a child is maintained by the guardians of any union and was deserted by its parent, the guardians may at any time resolve that such child shall be under the control of the guardians until it reaches the age, if a boy, of sixteen, and if a girl of eighteen years, and thereupon until the child reaches that age all the powers and rights of such parent in respect of that child shall, subject as in this Act mentioned, vest in the guardians;

Provided that the guardians may rescind such resolution, if they think that it will be for the benefit of the child that it should be rescinded, or may permit such child to be either permanently or temporarily under the control of such parent, or of any other relative, or of any friend.

(2.) A court of summary jurisdiction, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the guardians, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the guardians should be determined, may make an order accordingly, and any such order shall be complied with by the guardians, and if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the guardians shall cease to have the rights and powers of the parent as respects such child.

(3.) For the purposes of this Act a child shall be deemed to be maintained by the guardians if it is wholly or partly maintained by them in a workhouse or in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, institution for the deaf, dumb, blind, or idiots, or any certified school under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter forty-three, or is boarded out by the guardians, whether within or without the limits of the union.

(4.) Where a parent is imprisoned under a sentence of penal servitude or imprisonment in respect of an offence committed against a child, this section shall apply as if such child had been deserted by that parent.

(5.) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive the guardians of any of the powers and rights conferred on them by this section.

(6.) Nothing in this section shall authorise the guardians to cause a child to be educated in any religious creed other than that in which the child would have been educated but for any resolution of the guardians under this section, nor affect the enactments respecting the religious education of a child maintained by the guardians, or respecting the right of any minister of the same religious persuasion as the child to visit and instruct the child, nor affect any of the enactments specified in the Schedule to this Act, which enactments relate to the religious education of children maintained by guardians.

2. Borrowing by guardians and managers of district schools, &c.] Whereas it is expedient to simplify and to express in one enactment the purposes and

amount for and to which guardians of unions and managers of district schools and asylums have powers to borrow and otherwise to amend those powers: Be it therefore enacted as follows:—

(1.) The guardians of any union may, with the sanction of the Local Government Board, borrow for the purpose of raising the expenses incurred, or proposed to be incurred, for any permanent work or object, or any other thing the costs of which ought in the opinion of the Local Government Board to be spread over a term of years.

(2.) A loan shall not be of such amount as exceeds, or will make the total debt of the guardians under the Acts relating to the relief of the poor exceed one fourth of the total annual rateable value of the union.

(3.) The Local Government Board may, by Provisional Order extend the said maximum to double the amount above authorised, and sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875, shall apply to every such Provisional Order in like manner as if they were herein re-enacted and the guardians were a local authority.

(4.) The unapplied balance of any loan raised by any guardians may, with the consent of the Local Government Board, be applied to any purpose for which a loan can be raised under this Act by such guardians.

(5.) This section shall apply to the managers of any school district and to the managers of any asylum district, not being the metropolitan asylum district, in like manner as if they were guardians and this section were in terms made applicable thereto, but with the substitution of one sixteenth of the annual rateable value of the district for one fourth of the annual rateable value of the union.

(6.) All enactments in the Acts relating to the relief of the poor touching the purposes for which and the amount to which guardians of unions and managers of any school or asylum district to whom this section applies may borrow, shall be repealed without prejudice to anything done thereunder, but every loan under this section shall be made on the like security and be paid off in the like time and manner, and be borrowed and re-borrowed in the like manner as is provided by the enactments in force at the passing of this Act with respect to loans of such guardians and managers.

3. Reception of fever, small-pox, and diphtheria patients into asylums in metropolitan district.] (1.) The managers of the metropolitan asylum district (hereinafter referred to as the asylum managers), subject to such regulations and restrictions as the Local Government Board from time to time make, may admit any person who is not a pauper, and is reasonably believed to be suffering from fever or small-pox or diphtheria, into an asylum provided by the managers.

(2.) The expenses incurred by the asylum managers for the maintenance of any such person shall be paid by the guardians of the union from which he is received, and those guardians may recover the amount of those expenses as a simple contract debt from the said person or from any person liable by law to maintain him.

(3.) The said expenses, so far as the same are not so recovered by the guardians, shall be repaid to them out of the metropolitan common poor fund.

(4.) After the date of an order of the Local Government Board authorising the asylum managers to receive diphtheria patients into their hospitals, sub-section two of section sixty-nine of the Metropolitan Poor Act, 1867 [30 & 31 Vict. c. 6], shall apply as if diphtheria were therein mentioned as well as fever and small-pox.

4. Use of metropolitan asylums for medical instruction.] The asylum managers may, if they think fit, allow the asylums provided by them for fever, small-pox, and diphtheria, to be used for purposes of medical instruction, subject to any rules and regulations which the Local Government Board may from time to time make with regard to such use of the said asylums.

5. Power to purchase land adjoining asylum.] The

asylum managers shall have full power, with the consent of the Local Government Board, to purchase such land adjacent to an asylum provided by them as is required for the purposes of any such asylum; and for the purpose of such purchase sections one hundred and seventy-six and two hundred and ninety-six to two hundred and ninety-eight, both inclusive, of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall apply as if they were herein re-enacted, and in terms made applicable to the asylum managers and to the purposes of this section.

6. Use of ambulances provided by asylum managers.] The asylum managers may allow their carriages to be used for the conveyance of persons suffering from any dangerous infectious disorder to and from hospitals and places other than asylums provided by the asylum managers, and may make reasonable charge for that use.

7. Power to asylum managers to borrow for ambulance stations.] The provision by the asylum managers of buildings for the purposes of section sixteen of the Poor Law Act, 1879, shall be a purpose for which the managers are authorised to borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts altering and amending the same.

8. Amendment of 5 & 6 Will. 4. c. 69. s. 3.] No consent other than that of the Local Government Board shall be required to the sale or exchange or letting by the board of guardians of any separate parish of any workhouse, tenements, buildings, or land belonging to such parish.

9. Application to Ireland.] The section of this Act relating to the control of the guardians of a union over a child deserted by its parents, but no other section, shall apply to Ireland, and in such application of the said section to Ireland,—

(a.) The word "guardians" means the board of guardians of the poor for a union, under the provisions of the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, intitled "An Act for the more effectual relief of the destitute Poor in Ireland," and the Acts amending the same:

The word "union" means a union for the relief of the destitute poor under the provisions of the said Acts;

(b.) A court of summary jurisdiction shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace, and sitting at some court or other place appointed for the administration of justice.

10. Short title and construction.] This Act may be cited as the Poor Law Act, 1889.

Expressions in this Act when used with reference to England shall have the same meaning as in the Poor Law Act, 1879 [42 & 43 Vict. c. 54].

SCHEDULE.

ACTS RELATING TO ENGLAND.

Session and Chapter.	Title or Short Title.	Enactments referred to.
4 & 5 Will. 4. c. 76.	Poor Law Amendment Act, 1834.	Section nineteen.
25 & 26 Vict. c. 43.	An Act to provide for the education and maintenance of pauper children in certain schools and institutions.	Section nine.
20 & 30 Vict. c. 113.	Poor Law Amendment Act of 1866.	Section four-teen.
31 & 32 Vict. c. 122.	Poor Law Amendment Act, 1868.	Sections sixteen to twenty-three, both inclusive.

ACTS RELATING TO IRELAND.

Session and Chapter.	Title of Act.	Section referred to.
1 & 2 Vict. c. 56.	An Act for the more effectual relief of the destitute poor in Ireland.	Section forty-nine.
25 & 26 Vict. c. 83.	An Act to amend the laws in force for the relief of the destitute poor in Ireland, and to continue the powers of the Commissioners.	Sections eight and eleven.
39 & 40 Vict. c. 38.	An Act to extend the limits of age up to which, with the assent of boards of guardians, orphan and deserted pauper children may be supported out of workhouses in Ireland.	Section two.

CHAPTER 57.

[Regulation of Railways Act, 1889.]

An Act to amend the Regulation of Railways Acts; and for other purposes.

[30th August, 1889.]

Be it enacted, &c.:

1. Power to order certain provisions to be made for public safety. (1.) The Board of Trade may from time to time order a railway company to do, within a time limited by the order, and subject to any exceptions or modifications allowed by the order, any of the following things:

- (a.) To adopt the block system on all or any of their railways open for the public conveyance of passengers;
- (b.) To provide for the interlocking of points and signals on or in connection with all or any of such railways;
- (c.) To provide for and use on all their trains carrying passengers continuous brakes complying with the following requirements, namely:
 - (i.) The brake must be instantaneous in action, and capable of being applied by the engine-driver and guards;
 - (ii.) The brake must be self-applying in the event of any failure in the continuity of its action;
 - (iii.) The brake must be capable of being applied to every vehicle of the train, whether carrying passengers or not;
 - (iv.) The brake must be in regular use in daily working;
 - (v.) The materials of the brake must be of a durable character, and easily maintained and kept in order.

In making any order under this section the Board of Trade shall have regard to the nature and extent of the traffic on the railway, and shall, before making any such order, hear any company or person whom the Board of Trade may consider entitled to be heard.

2. Enforcement of orders of Board of Trade. If default is made in compliance with any order made by the Board of Trade in pursuance of the last foregoing section, the Railway and Canal Commission may, on the application of the Board of Trade, enjoin obedience to the order, and thereupon the order may be enforced as if it were made by the Commission for the purpose of carrying into effect any of the provisions of the Acts under which the Commission have jurisdiction.

3. Issuing debenture stock to meet expenses incurred under this Act. Whenever any railway company shall be ordered by the Board of Trade to provide any appliances, or execute any works, or incur any expenditure under the provisions of this Act which would properly be chargeable to capital account,

it shall be lawful for such company to furnish to the Board of Trade an estimate of the cost of providing such appliances, executing such works, and carrying out such order generally, and thereupon the Board of Trade shall, upon the application of the company, fix and determine the amount which would properly be capital expenditure, and the company may from time to time issue debentures or debenture stock in priority to or ranking pari passu with any existing debentures or debenture stock of such company bearing interest at a rate not exceeding five per cent per annum to an amount not exceeding the sum so fixed and determined, and any money raised under the provisions of this section shall be applied in carrying out such requirements of the Board of Trade and to no other purpose whatsoever, and no other authority save the certificate of the Board of Trade shall be requisite to authorise and validate the issue of such debentures or debenture stock.

4. Returns of overtime to Board of Trade. (1.) Every railway company shall make to the Board of Trade periodical returns as to the persons in the employment of the company whose duty involves the safety of trains or passengers, and who are employed for more than such number of hours at a time as may be from time to time named by the Board of Trade.

(2.) The returns shall be delivered at such intervals, and shall be in such form, and contain such particulars as the Board of Trade from time to time direct.

(3.) The provisions of sections nine and ten of the Regulation of Railways Act, 1871 [34 & 35 Vict. c. 78], with respect to penalties, shall apply to returns under this section.

5. Penalty for avoiding payment of fare. (1.) Every passenger by railway shall, on request by an officer or servant of a railway company, either produce, and if so requested deliver up, a ticket showing that his fare is paid, or pay his fare from the place whence he started, or give the officer or servant his name and address; and in case of default shall be liable on summary conviction to a fine not exceeding forty shillings.

(2.) If a passenger having failed either to produce, or if requested to deliver up, a ticket showing that his fare is paid, or to pay his fare, refuses, on request by an officer or servant of a railway company, to give his name and address, any officer of the company or any constable may detain him until he can be conveniently brought before some justice or otherwise discharged by due course of law.

(3.) If any person—

- (a.) Travels or attempts to travel on a railway without having previously paid his fare, and with intent to avoid payment thereof; or
- (b.) Having paid his fare for a certain distance, knowingly and wilfully proceeds by train beyond that distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof; or
- (c.) Having failed to pay his fare, gives in reply to a request by an officer of a railway company a false name or address,

he shall be liable on summary conviction to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, either to a fine not exceeding twenty pounds, or in the discretion of the court to imprisonment for a term not exceeding one month.

(4.) The liability of an offender to punishment under this section shall not prejudice the recovery of any fare payable by him.

6. Passenger ticket to have fare printed thereon. From and after a date to be fixed by order of the Board of Trade, and subject to such exceptions, if any, as may be allowed by such order, every passenger ticket issued by any railway company in the United Kingdom shall bear upon its face, printed or written in legible characters, the fare chargeable for the journey for which such ticket is issued, and any railway company issuing any passenger ticket in contravention of the provisions of this section shall be liable to a penalty not exceeding forty shillings for every ticket so issued, to be recovered on summary conviction.

7. Power to make byelaws as to stations. The power conferred on a railway company by the Railways Clauses Consolidation Act, 1845, and

the Railways Clauses Consolidation Act (Scotland), 1845, to make byelaws subject to disallowance by the Board of Trade, shall include power to make byelaws for maintaining order in, and regulating the use of, railway stations and the approaches thereto.

8. Short Title. (1.) This Act may be cited as the Regulation of Railways Act, 1889.

(2.) This Act and the Regulation of Railways Acts, 1840 to 1871, may be cited collectively as the Regulation of Railways Acts, 1840 to 1889.

CHAPTER 58.

[Coinage Act, 1889.]

An Act to amend the Coinage Act, 1870, as respects Light Gold Coins.

[30th August, 1889.]

Whereas by section seven of the Coinage Act, 1870 [33 & 34 Vict. c. 10], it is enacted as follows:

"Where any gold coin of the realm is below the current weight as provided by this Act, or where any coin is called in by any proclamation, every person shall, by himself or others, cut, break, or deface any such coin tendered to him in payment, and the person tendering the same shall bear the loss."

And whereas the said section has failed to maintain the integrity of the gold coinage of the realm, and it is expedient to provide for the exchange of a portion of such gold coins as, owing to fair wear and tear, are below the least current weight without charging the holders thereof for the loss:

Be it therefore enacted, &c.:

1. Provision as to exchange of light pre-Victorian gold coins. (1.) Any gold coin of the realm coined before the reign of Her present Majesty which is below the least current weight as provided by the Coinage Act, 1870, may, within the time and in the manner from time to time directed by Her Majesty the Queen in Council, be tendered for exchange, and, if it has not been illegally dealt with, shall (notwithstanding anything in section seven of the Coinage Act, 1870) be exchanged or paid for by or on behalf of the Mint at its nominal value:

(2.) Any expenses incurred by reason of such exchange or payment shall be defrayed out of moneys provided by Parliament.

(3.) For the purposes of this Act a gold coin shall be deemed to have been illegally dealt with, where the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear, or has been defaced by having any name, word, device, or number stamped thereon, whether the coin has or has not been thereby diminished or lightened:

(4.) In a gold coin loss of weight exceeding the amount specified in that behalf in the schedule to this Act shall for the purposes of this Act be prima facie evidence that the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear.

2. Short title. This Act may be cited as the Coinage Act, 1889.

This Act and the Coinage Act, 1870, may be cited together as the Coinage Acts, 1870 and 1889.

SCHEDULE.

Loss of Weight which is to be evidence of Coin being illegally dealt with.

Description of Gold Coin.	Amount of Loss of Weight in each Coin which is to be evidence that the Coin has been illegally dealt with.
A sovereign or half-sovereign coined before the reign of Her present Majesty.	Loss exceeding four grains from the standard weight.

Note.—In the case of any coin of higher denomination than a sovereign, a loss on each coin, proportionate to that on the sovereign, shall be evidence that the coin has been illegally dealt with. The standard weight of a sovereign is 123.77417 grains, and the standard weight of a half-sovereign is 61.88723 grains.

CHAPTER 59.

[*Land Law (Ireland) Act, 1888, Amendment Act, 1889.*]

An Act to amend "The Land Law (Ireland) Act, 1888," with regard to Leaseholders.

[30th August 1889.]

CHAPTER 60.

[*Preferential Payments in Bankruptcy (Ireland) Act, 1889.*]

An Act to amend the Law with respect to Preferential Payments in Bankruptcy in the Administration of Insolvent Estates, and in the winding up of Companies in Ireland.

[30th August 1889.]

CHAPTER 61.

[*London Council (Money) Act, 1889.*]

An Act to further amend the Acts relating to the raising of Money by the London County Council, and for other purposes.

[30th August 1889.]

CHAPTER 62.

[*Cotton Cloth Factories Act, 1889.*]

An Act to make further provision for the regulation of Cotton Cloth Factories.

[30th August 1889.]

CHAPTER 63.

[*Interpretation Act, 1889.*]

An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament.

[30th August 1889.]

Be it enacted, &c.:

Re-enactment of existing Rules.

1. Rules as to gender and number.] (1.) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,—

(a.) words importing the masculine gender shall include females; and

(b.) words in the singular shall include the plural, and words in the plural shall include the singular.

(2.) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty.

2. Application of penal Acts to bodies corporate.]

(1.) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression "person" shall, unless the contrary intention appears, include a body corporate.

(2.) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

3. Meanings of certain words in Acts since 1850.]

In every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them; namely,—

The expression "month" shall mean calendar month:

The expression "land" shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure:

The expressions "oath" and "affidavit" shall, in the case of persons for the time being allowed by law to affirm or declare instead

of swearing, include affirmation and declaration, and the expression "swear" shall in the like case include affirm and declare.

4. Meaning of "county" in past Acts.] In every Act passed after the year one thousand eight hundred and fifty and before the commencement of this Act the expression "county" shall, unless the contrary intention appears, be construed as including a county of a city and a county of a town.

5. Meaning of "parish." In every Act passed after the year one thousand eight hundred and sixty-six, whether before or after the commencement of this Act, the expression "parish" shall, unless the contrary intention appears, mean, as respects England and Wales, a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

6. Meaning of "county court." In this Act, and in every Act and Order of Council passed or made after the year one thousand eight hundred and forty-six, whether before or after the commencement of this Act, the expression "county court" shall, unless the contrary intention appears, mean as respects England and Wales a court under the County Courts Act, 1848 [51 & 52 Vict. c. 43].

7. Meaning of "sheriff clerk," &c., in Scotch Acts.] In every Act relating to Scotland, whether passed before or after the commencement of this Act, unless the contrary intention appears—

The expression "sheriff clerk" shall include steward clerk;

The expressions "shire," "sheriffdom," and "county" shall include any stewartry in Scotland.

8. Sections to be substantive enactments.] Every section of an Act shall have effect as a substantive enactment without introductory words.

9. Acts to be public Acts.] Every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

10. Amendment or repeal of Acts in same session.] Any Act may be altered, amended, or repealed in the same session of Parliament.

11. Effect of repeal in Acts passed since 1850.] (1.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals a repealing enactment, it shall not be construed as reviving an enactment previously repealed, unless words are added reviving that enactment.

(2.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

New General Rules of Construction.

12. Official definitions in past and future Acts.] In this Act, and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "the Lord Chancellor" shall, except when used with reference to Ireland only, mean the Lord High Chancellor of Great Britain for the time being, and when used with reference to Ireland only, shall mean the Lord Chancellor of Ireland for the time being.

(2.) The expression "the Treasury" shall mean the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty's Treasury.

(3.) The expression "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State for the time being.

(4.) The expression "the Admiralty" shall mean the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom.

(5.) The expression "the Privy Council" shall, except when used with reference to Ireland only,

mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council, and when used with reference to Ireland only, shall mean the Privy Council of Ireland for the time being.

(6.) The expression "the Education Department" shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education.

(7.) The expression "the Scotch Education Department" shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education in Scotland.

(8.) The expression "the Board of Trade" shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.

(9.) The expression "Lord Lieutenant," when used with reference to Ireland, shall mean the Lord Lieutenant of Ireland or other Chief Governors or Governor of Ireland for the time being.

(10.) The expression "Chief Secretary," when used with reference to Ireland, shall mean the Chief Secretary to the Lord Lieutenant for the time being.

(11.) The expression "Postmaster General" shall mean Her Majesty's Postmaster General for the time being.

(12.) The expression "Commissioners of Woods" or "Commissioners of Woods and Forests" shall mean the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being.

(13.) The expression "Commissioners of Works" shall mean the Commissioners of Her Majesty's Works and Public Buildings for the time being.

(14.) The expression "Charity Commissioners" shall mean the Charity Commissioners for England and Wales for the time being.

(15.) The expression "Ecclesiastical Commissioners" shall mean the Ecclesiastical Commissioners for England for the time being.

(16.) The expression "Queen Anne's Bounty" shall mean the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy.

(17.) The expression "National Debt Commissioners" shall mean the Commissioners for the time being for the Reduction of the National Debt.

(18.) The expression "the Bank of England" shall mean, as circumstances require, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

(19.) The expression "the Bank of Ireland" shall mean, as circumstances require, the Governor and Company of the Bank of Ireland, or the bank of the Governor and Company of the Bank of Ireland.

(20.) The expression "consular officer" shall include consul-general, consul, vice-consul, consular agent, and any person for the time authorised to discharge the duties of consul-general, consul, or vice-consul.

13. Judicial definitions in past and future Acts.] In this Act and in every other Act, whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "Supreme Court," when used with reference to England or Ireland, shall mean the Supreme Court of Judicature in England or Ireland, as the case may be, or either branch thereof.

(2.) The expression "Court of Appeal," when used with reference to England or Ireland, shall mean Her Majesty's Court of Appeal in England or Ireland, as the case may be.

(3.) The expression "High Court," when used with reference to England or Ireland, shall mean Her Majesty's High Court of Justice in England or Ireland, as the case may be.

(4.) The expression "court of assize" shall, as respects England, Wales, and Ireland, mean a court of assize, a court of oyer and terminer, and a court of gaol delivery, or any of them, and shall, as respects England and Wales, include the Central Criminal Court.

(5.) The expression "assizes," as respects England, Wales, and Ireland, shall mean the

courts of assize usually held in every year, and shall include the sessions of the Central Criminal Court, but shall not include any court of assize held by virtue of any special commission, or, as respects Ireland, any court held by virtue of the powers conferred by section sixty-three of the Supreme Court of Judicature Act (Ireland), 1877 [40 & 41 Vict. c. 57].

(6.) The expression "the Summary Jurisdiction Act, 1848," shall mean the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intitled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders."

(7.) The expression "the Summary Jurisdiction (England) Acts" and the expression "the Summary Jurisdiction (English) Acts" shall respectively mean the Summary Jurisdiction Act, 1848 [11 & 12 Vict. c. 43], and the Summary Jurisdiction Act, 1879 [42 & 43 Vict. c. 49], and any Act, past or future, amending those Acts or either of them.

(8.) The expression "the Summary Jurisdiction (Scotland) Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 [27 & 28 Vict. c. 53] and 1881 [44 & 45 Vict. c. 33], and any Act, past or future, amending those Acts or either of them.

(9.) The expression "the Summary Jurisdiction (Ireland) Acts" shall mean, as respects the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93], and any Act, past or future, amending the same.

(10.) The expression "the Summary Jurisdiction Acts" when used in relation to England or Wales shall mean the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts.

(11.) The expression "court of summary jurisdiction" shall mean any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law.

(12.) The expression "petty sessional court" shall, as respects England or Wales, mean a court of summary jurisdiction consisting of two or more justices when sitting in a petty sessional court-house, and shall include the Lord Mayor of the city of London, and any alderman of that city, and any metropolitan or borough police magistrate or other stipendiary magistrate when sitting in a court-house or place at which he is authorised by law to do alone any act authorised to be done by more than one justice of the peace.

(13.) The expression "petty sessional court-house" shall, as respects England or Wales, mean a court-house or other place at which justices are accustomed to assemble for holding special or petty sessions, or which is for the time being appointed as a substitute for such a court-house or place, and where the justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, shall mean any such court-house or place. The expression shall also include any court-house or place at which the Lord Mayor of the city of London, or any alderman of that city, or any metropolitan or borough police magistrate or other stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace.

(14.) The expression "court of quarter sessions" shall mean the justices of any county, riding, parts, division, or liberty of a county, or of any county of a city, or county of a town, in general or quarter sessions assembled, and shall include the court of the recorder of a municipal borough having a separate court of quarter sessions.

14. *Meaning of "rules of Court."* In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression

"rules of court" when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court, and as regards Scotland shall include acts of adjournal and acts of sederunt.

The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act passed after the commencement of this Act, and directing or authorising anything to be done by rules of court.

15. *Meaning of borough.* In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "municipal borough" shall mean, as respects England and Wales, any place for the time being subject to the Municipal Corporations Act, 1835 [45 & 46 Vict. c. 50], and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city, and any reference to the powers, duties, liabilities or property of a council of a borough shall be construed as a reference to the powers, duties, liabilities, or property of the mayor, aldermen, and burgesses of the borough acting by the council.

(2.) The expression "municipal borough" shall mean, as respects Ireland, any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intitled "An Act for the regulation of municipal corporations in Ireland."

(3.) The expression "parliamentary borough" shall mean any borough, burgh, place or combination of places returning a member or members to serve in Parliament, and not being either a county or division of a county, or a university, or a combination of universities.

(4.) The expression "borough" when used in relation to local government shall mean a municipal borough as above defined, and when used in relation to parliamentary elections or the registration of parliamentary electors shall mean a parliamentary borough as above defined.

16. *Meaning of guardians and union.* In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "board of guardians" shall, as respects England and Wales, mean a board of guardians elected under the Poor Law Amendment Act, 1834 [4 & 5 Will. 4. c. 76], and the Acts amending the same, and shall include a board of guardians or other body of persons performing under any local Act the like functions to a board of guardians under the Poor Law Amendment Act, 1834.

(2.) The expression "poor law union" shall, as respects England and Wales, mean any parish or union of parishes for which there is a separate board of guardians.

(3.) The expression "board of guardians" shall, as respects Ireland, mean a board of guardians elected under the Act of the Session of the first and second years of the reign of Her present Majesty, chapter fifty-six, intitled "An Act for the more effectual relief of the destitute poor in Ireland," and the Acts amending the same, and shall include any body of persons appointed by the Local Government Board for Ireland to carry into execution the provisions of those Acts.

(4.) The expression "poor law union" shall, as respects Ireland, mean any townland or place or union, or townlands or places, for which there is a separate board of guardians.

17. *Definitions relating to elections.* In every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "parliamentary election" shall mean the election of a member or members to serve in Parliament for a county or division of a county, or parliamentary borough or division of a parliamentary borough, or for a university or combination of universities.

(2.) The expression "parliamentary register of

electors" shall mean a register of persons entitled to vote at any parliamentary election.

(3.) The expression "local government register of electors" shall mean as respects an administrative county in England or Wales other than a county borough, the county register, and as respects a county borough or other municipal borough, the burgess roll.

18. *Geographical and colonial definitions in future Acts.* In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.

(2.) The expression "British possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession.

(3.) The expression "colony" shall mean any part of Her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

(4.) The expression "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India.

(5.) The expression "India" shall mean British India together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India.

(6.) The expression "Governor" shall, as respects Canada and India, mean the Governor-General, and include any person who for the time being has the powers of the Governor-General, and as respects any other British possession, shall include the officer for the time being administering the government of that possession.

(7.) The expression "colonial legislature" and the expression "legislature," when used with reference to a British possession, shall respectively mean the authority, other than the Imperial Parliament or Her Majesty the Queen in Council, competent to make laws for a British possession.

19. *Meaning of "person" in future Acts.* In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

20. *Meaning of "writing" in past and future Acts.* In this Act and in every other Act whether passed before or after the commencement of this Act expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

21. *Meaning of "statutory declaration" in past and future Acts.* In this Act, and in every other Act, whether passed before or after the commencement of this Act, the expression "statutory declaration" shall, unless the contrary intention appears, mean a declaration made by virtue of the Statutory Declarations Act, 1835 [5 & 6 Will. 4. c. 62].

22. *Meaning of "financial year" in future Acts.* In this Act and in every Act passed after the commencement of this Act the expression "financial year" shall, unless the contrary intention appears, mean as respects any matters relating to the Consolidated Fund or moneys provided by Parliament, or to the Exchequer, or to Imperial taxes or finance, the twelve months ending the thirty-first day of March.

23. *Definition of Lands Clauses Acts.* In any Act passed after the commencement of this Act, unless the contrary intention appears—

The expression "Lands Clauses Acts" shall mean—

- (a.) as respects England and Wales, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Lands Clauses Consolidation Act, 1869, and the Lands Clauses (Umpire) Act, 1883, and any Acts for the time being in force amending the same; and
- (b.) as respects Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and any Acts for the time being in force amending the same; and
- (c.) as respects Ireland, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland) 1864, and the Railways Traverse Act, and any Acts for the time being in force amending the same.

21. Meaning of Irish Valuation Acts.] In any Act passed before or after the commencement of this Act the expression "Irish Valuation Acts" shall mean the Acts relating to the valuation of rateable property in Ireland.

25. Meaning of "Ordnance Map."] In this Act and in every other Act, whether passed before or after the commencement of this Act, the expression "ordnance map" shall, unless the contrary intention appears, mean a map made under the powers conferred by the Survey (Great Britain) Acts, 1841 to 1870, or by the Survey (Ireland) Acts, 1835 to 1870, and the Acts amending the same respectively.

26. Meaning of service by post.] Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give" or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

27. Meaning of "committed for trial."] In every Act passed after the commencement of this Act, the expression "committed for trial" used in relation to any person shall, unless the contrary intention appears, mean, as respects England and Wales, committed to prison with the view of being tried before a judge and jury, whether the person is committed in pursuance of section twenty-two or of section twenty-five of the Indictable Offences Act, 1848 [11 & 12 Vict. c. 42], or is committed by a court, judge, coroner, or other authority having power to commit a person to any prison with a view to his trial, and shall include a person who is admitted to bail upon a recognisance to appear and take his trial before a judge and jury.

28. Meanings of "sheriff," "felony," and "misdemeanour" in future Scotch Acts.] In this Act and in every Act passed after the commencement of this Act, unless the contrary intention appears—

The expression "sheriff" shall, as respects

Scotland, include a sheriff substitute:

The expression "felony" shall, as respects Scot-

land, mean a high crime and offence:

The expression "misdemeanour" shall, as

respects Scotland, mean an offence.

29. Meaning of "county court" in future Irish Acts.] In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "county court" shall, as respects Ireland, mean a civil bill court within the meaning of the County Officers and Courts (Ireland) Act, 1877 [40 & 41 Vict. c. 56].

30. References to the Crown.] In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of this Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown.

31. Construction of Statutory rules, &c.] Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any

order in Council, order, warrant, scheme, letters, patent, rules, regulations, or bye-laws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

32. Construction of provisions as to exercise of powers and duties.] (1.) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3.) Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or byelaws, the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or byelaws.

33. Provisions as to offences under two or more laws.] Where an act or omission constitutes an offence under two or more Acts, or both under an Act and at common law, whether any such Act was passed before or after the commencement of this Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence.

34. Measurement of distances.] In the measurement of any distance for the purposes of any Act passed after the commencement of this Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

35. Citation of Acts.] (1.) In any Act, instrument, or document, an Act may be cited by reference to the short title, if any, of the Act, either with or without a reference to the chapter, or by reference to the regnal year in which the Act was passed, and where there are more statutes or sessions than one in the same regnal year, by reference to the statute or the session, as the case may require, and where there are more chapters than one, by reference to the chapter, and any enactment may be cited by reference to the section or sub-section of the Act in which the enactment is contained.

(2.) Where any Act passed after the commencement of this Act contains such reference as aforesaid, the reference shall, unless a contrary intention appears, be read as referring, in the case of statutes purporting to be printed by authority, to that edition, and in the case of statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission; and in other cases to the copies of the statutes purporting to be printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office.

(3.) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the contrary intention appears, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

36. "Commencement."] (1.) In this Act, and in every Act passed either before or after the commencement of this Act, the expression "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation.

(2.) Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws made, granted, or issued, under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

37. Exercise of statutory powers between passing and commencement of Act.] Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of this Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

38. Effect of repeal in future Acts.] (1.) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

(2.) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

(a.) revive anything not in force or existing at the time at which the repeal takes effect; or

(b.) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or

(c.) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or

(d.) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e.) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

Supplemental.

39. Definition of "Act" in this Act.] In this Act the expression "Act" shall include a local and personal Act and a private Act.

40. Saving for past Acts.] The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction of any Act passed before the commencement of this Act, although it is continued or amended by an Act passed after such commencement.

41. Repeal.] The Acts described in the Schedule to this Act are hereby repealed to the extent appearing in the third column of the Schedule.

42. Commencement of Act.] This Act shall come into operation on the first day of January one thousand eight hundred and ninety.

43. Short title.] This Act may be cited as the Interpretation Act, 1889.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Geo. 4. c. 28.	An Act for further improving the administration of justice in criminal cases in England.	Section fourteen.
9 Geo. 4. c. 54.	An Act for improving the administration of justice in criminal cases in Ireland.	Section thirty-five.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 Will. 4 & 1 Vict. c. 39	An Act to interpret the word "sheriff," "sheriff clerk," "shire," "sheriffdom," and "county," occurring in Acts of Parliament relating to Scotland.	The whole Act.
13 & 14 Vict. c. 21.	An Act for shortening the language used in Acts of Parliament.	The whole Act.
29 & 30 Vict. c. 113.	The Poor Law Amendment Act of 1866.	Section eighteen, from the beginning to "can be appointed, and."
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section twenty the sub-sections numbered (3) and (6). Section fifty. Section seven.
47 & 48 Vict. c. 43.	The Summary Jurisdiction Act, 1884.	Section one hundred and eighty-seven, from the beginning to "is meant, and."
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	Section one hundred and eighty-seven, from the beginning to "is meant, and."

CHAPTER 64.

[Public Health Act, 1889.]

An Act to remove doubts as to the Power of the Local Government Board to make Regulations respecting Cholera. [30th August 1889.]

Whereas under section 52 of the Sanitary Act, 1866 [29 & 30 Vict. c. 90], and section one hundred and thirty of the Public Health Act, 1875 [38 & 39 Vict. c. 55], the Local Government Board have power to make regulations with a view to the treatment of persons affected with cholera or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, both on land and water:

And whereas the Local Government Board, Ireland, have like powers:

And whereas doubts have arisen as to the extent of such powers as respects authorities and vessels, and it is expedient to remove such doubts:

Be it therefore enacted, &c.:

1. *Short title and construction.* [This Act may be cited as the Public Health Act, 1889.]

This Act, so far as it relates to England, shall be construed as part of section one hundred and thirty of the Public Health Act, 1875, and as regards that part of the county of London to which section fifty-two of the Sanitary Act, 1866, applies, as part of that section.

2. *Explanation of powers of Local Government Board to make regulations under 38 & 39 Vict. c. 55, s. 130, and 29 & 30 Vict. c. 90, s. 52.* Regulations of the Local Government Board made in relation to cholera and choleraic diarrhoea in pursuance of section one hundred and thirty of the Public Health Act, 1875, or of section fifty-two of the Sanitary Act, 1866, may provide for such regulations being enforced and executed by the officers of Customs as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by the said sections may provide for the detention of vessels and of persons on board vessels, and for the duties to be performed by pilots, masters of vessels, and other persons on board vessels;

(3.) Provided that the regulations, so far as they apply to the officers of Customs, shall be subject to the consent of the Commissioners of Her Majesty's Customs;

(3.) The officers of Customs, for the purpose of the execution of any powers and duties under the said regulations, may exercise any powers conferred on such officers by any other Act.

3. *Application to Ireland.* In this Act, so far as it applies to Ireland—

(a.) references to section one hundred and thirty of the Public Health Act, 1875, shall be read and construed as references to section one hundred and forty-eight of the Public Health (Ireland) Act, 1878;

(b.) the expression "Local Government Board" shall mean the Local Government Board for Ireland.

CHAPTER 65.

[Council of India Reduction Act, 1889.]

An Act to amend the Law as to the Council of India. [30th August 1889.]

CHAPTER 66.

[Light Railways (Ireland) Act, 1889.]

An Act to facilitate the Construction of Light Railways in Ireland. [30th August 1889.]

CHAPTER 67.

[Expiring Laws Continuance Act, 1889.]

An Act to continue various Expiring Laws. [30th August 1889.]

CHAPTER 68.

[Merchant Shipping (Pilotage) Act, 1889.]

An Act to amend the Law relating to Pilotage. [30th August 1889.]

Be it enacted, &c.:

1. *Removal of doubts as to application of pilotage provisions of 17 & 18 Vict. c. 104, to foreign ships.* Whereas doubts have arisen as to the extent of the application of certain provisions of Part Five of the Merchant Shipping Act, 1854, and it is expedient to remove those doubts; be it therefore enacted and declared that in the construction of Part Five of the Merchant Shipping Act, 1854, and of the enactments amending the same, the expression "ship" includes a foreign ship.

2. *Provisional orders as to pilotage authorities and districts.* (1.) The Board of Trade may from time to time by provisional order—

(a.) make provision or further provision for the direct representation of pilots and, if it seems expedient, also of shipowners, on the pilotage authority of any district, or if there is a pilotage committee of that authority, or any body of commissioners or sub-commissioners appointed by that authority, then on that committee or body; and

(b.) extend the limits of any pilotage district by including therein any area in the United Kingdom in which there is no pilotage authority, so, however, that in the area so included there shall be no compulsory pilotage and no restriction on the power of duly qualified persons to obtain licences as pilots.

(2.) The provisions of section forty of the Merchant Shipping Act Amendment Act, 1862 [25 & 26 Vict. c. 63], shall apply in the case of any provisional order made in pursuance of this section.

3. *Disciplinary powers of committee, commissioners, sub-commissioners, &c.* Where in pursuance of this Act provision has been made for the representation of pilots on the pilotage committee or commissioners or sub-commissioners for any pilotage district, the committee, commissioners, or sub-commissioners shall have power to suspend or dismiss, or to suspend or revoke the certificate of, any pilot licensed for that district who is guilty of any offence under section three hundred and sixty-five, or section three hundred and sixty-six, or section three hundred and sixty-seven of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104].

4. *Appeals from pilotage authorities.* (1.) If a pilot is aggrieved by the decision of a pilotage authority or a pilotage committee, or of any commissioners or sub-commissioners for a pilotage district, with respect to his suspension or dismissal, or the suspension or revocation of his licence, or the imposition of a fine exceeding two pounds, or the application of any pilotage fund to which he has contributed prejudicing his rights in respect of

the fund, he may appeal therefrom either to a judge of county courts having jurisdiction within the port for which the pilot is licensed, or to a metropolitan police or stipendiary magistrate having jurisdiction within that port.

(2.) For the purpose of hearing the appeal, the judge or magistrate shall sit with an assessor of nautical and pilotage experience.

(3.) The assessor shall be selected and summoned by the judge or magistrate, but where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by either party to the appeal: Provided that in the case of a pilot licensed by the Trinity House for any district on the coast of England or Wales, the assessor shall be selected from the Brethren of the Trinity House.

(4.) The judge or magistrate may either confirm or reverse the decision of the pilotage authority, or modify the same by increasing or decreasing any penalty or otherwise, as may seem just, and his decision shall be final.

(5.) The costs incurred by a pilotage authority under this section shall be payable out of any fund applicable to the general expenses of the pilotage authority.

(6.) Rules with respect to the procedure under this section (including costs and the remuneration of assessors) may from time to time be made, as respects judges of county courts, by the authority having power to make rules of practice under the County Courts Act, 1888 [51 & 52 Vict. c. 43], and as respects metropolitan police and stipendiary magistrates by one of Her Majesty's Principal Secretaries of State, but in either case with the concurrence of the Commissioners of Her Majesty's Treasury as to fees.

5. *Employment of unqualified pilots.* If any master of a ship navigating outside a district in which pilotage is compulsory knowingly employs or continues to employ an unqualified pilot after a qualified pilot has offered to take charge of the ship, or has made a signal for that purpose, he shall in every case incur a penalty of double the amount of pilotage demandable for the conduct of the ship.

6. *Returns as to pension fund.* The returns required by section three hundred and thirty-seven of the Merchant Shipping Act, 1854, to be made by a pilotage authority to the Board of Trade shall include separate accounts of the receipts and expenditure in respect of any pension or superannuation funds administered by or under the control of the pilotage authority.

7. *Byelaws as to contributions to pilotage funds.* The powers of making byelaws conferred on a pilotage authority by section three hundred and thirty-three of the Merchant Shipping Act, 1854, shall extend to making byelaws requiring masters or mates who hold pilotage certificates granted in pursuance of section three hundred and forty or section three hundred and forty-two of that Act to contribute towards the pilotage fund of the district, and requiring that a periodical return of the pilotage services rendered by such masters or mates be made by them to the pilotage authority. Provided that the contribution of a master or mate under this section shall not exceed such proportion of the pilotage dues which would have been payable in respect of his ship if he had not held a pilotage certificate, as may be from time to time fixed by the Board of Trade.

8. *Application of fees in respect of pilotage certificates.* The fees mentioned in section three hundred and forty-three of the Merchant Shipping Act, 1854, shall, in the case of pilotage certificates granted or renewed by a pilotage authority, be applicable to the expenses of and incidental to the examinations referred to in that section, and to the payment of such charges in connexion with the preparation and renewal of pilotage certificates as may from time to time be approved by the Board of Trade, and the surplus (if any) shall be applied for the benefit of the pilots' superannuation fund of the port or district (if any), or otherwise for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the pilotage authority may think fit.

9. *Flag to be displayed where master or mate has*

pilotage certificate.] (1.) Where the master or mate of a ship holds a pilotage certificate granted under section three hundred and forty or three hundred and forty-two of the Merchant Shipping Act, 1854, the ship shall, so long as he is on board, and as the ship is within a district in which pilotage is compulsory, display a flag of the description mentioned in section three hundred and forty-six of the same Act, and, if default is made in complying with this section, the master of the ship shall incur a penalty not exceeding twenty pounds.

(2.) The holder of such a pilotage certificate shall be deemed to be a licensed pilot within the meaning of section three hundred and forty-eight of the Merchant Shipping Act, 1854.

10. *Penalty on ordinary boat displaying colourable imitation of pilot flag.*] Whereas by section three hundred and forty-eight of the Merchant Shipping Act, 1854, a penalty is imposed for unlawfully displaying a pilot flag, and it is expedient to extend the provisions of that section to the display of a colourable imitation of a pilot flag; be it therefore enacted that if any boat or ship, not having on board a licensed pilot or a master or mate holding a pilotage certificate granted in pursuance of section three hundred and forty or section three hundred and forty-two of the Merchant Shipping Act, 1854, displays a flag so nearly resembling a flag of the description mentioned in section three hundred and forty-six of that Act, as to be likely to deceive, there shall be incurred for every such offence a penalty not exceeding fifty pounds, to be recovered from the owner or from the master of the boat or ship, unless he proves that he had no intention to deceive.

11. *Recovery of pilotage dues.*] So much of section three hundred and sixty-three of the Merchant Shipping Act, 1854, as enacts that pilotage dues shall not be recovered until the dues so demanded have remained unpaid for seven days after the time of such demand being made, is hereby repealed.

12. *Application to Scotland.*] In the application of this Act to Scotland the following modifications shall be made:—

(a.) An appeal under this Act from the decision of the pilotage authority shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff or sheriff substitute sitting with an assessor as provided in this Act:

(b.) The Court of Session may from time to time by Acts of Sederunt make rules with respect to the procedure in case of such appeals (including costs and the remuneration of assessors) subject to the concurrence of the Commissioners of Her Majesty's Treasury as to fees.

13. *Application to Ireland.*] In the application to Ireland of the provisions of this Act with respect to appeals from pilotage authorities—

(a.) The expressions "judge of county courts" and "judge" shall respectively mean a county court judge and chairman of quarter sessions and include recorder;

(b.) The expressions "stipendiary magistrate" and "magistrate" shall respectively mean a magistrate appointed under the Act of the session held in the sixth and seventh years of the reign of King William the Fourth, chapter thirteen, intitled "An Act to consolidate the laws relating to the Constabulary in Ireland";

(c.) Rules with respect to the procedure in cases of such appeals (including costs and the remuneration of assessors) may from time to time be made, as respects county court judges and chairmen of quarter sessions, by the authority having power to make rules and orders for regulating the practice under the County Officers and Courts (Ireland) Act, 1877 [40 & 41 Vict. c. 56], and as respects stipendiary magistrates, by the Lord Lieutenant of Ireland in Council, but in either case with the concurrence of the Commissioners of Her Majesty's Treasury as to fees.

14. *Repeal.*] The enactments described in the schedule to this Act shall be repealed to the extent in the third column of that schedule men-

tioned, without prejudices to any right or privilege acquired or liability incurred before the commencement of this Act.

15. *Construction of Act.*] This Act shall be construed as one with Part Five of the Merchant Shipping Act, 1854.

16. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act, but any rules which may be required for the purposes of this Act may be made at any time after the passing thereof.

17. *Short titles.*] (1.) This Act may be cited as the Merchant Shipping (Pilotage) Act, 1889.

(2.) This Act and the Merchant Shipping Acts, 1854 to 1887, may be cited collectively as the Merchant Shipping Acts, 1854 to 1889.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104	The Merchant Shipping Act, 1854	In section three hundred and forty-three the words "and such fees shall, in the case of certificates and renewals granted by pilotage authorities, be applicable either to paying the expense of the examinations or any other general expenses connected with pilotage incurred by such authorities, or to the Pilots' Superannuation Fund of the district (if any), or otherwise for the benefit of the pilots appointed by such authorities, as such authorities think fit." Section three hundred and sixty-three from "and the dues so demanded" to the end of the section.

CHAPTER 69.

[Public Bodies Corrupt Practices Act, 1889.]

An Act for the more effectual Prevention and Punishment of Bribery and Corruption of and by Members, Officers, or Servants of Corporations, Councils, Boards, Commissions, or other Public Bodies. [30th August 1889.]

Whereas it is expedient more effectually to provide for the prevention and punishment of bribery and corruption of and by members, officers, or servants of corporations, councils, boards, commissions, and other public bodies:

Be it therefore enacted, &c.:

1. *Corruption in office a misdemeanor.*] (1.) Every person who shall by himself or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for himself, or for any other person, any gift, loan, fee, reward, or advantage whatever as an inducement to, or reward for, or otherwise on account of any member, officer, or servant of a public body as in this Act defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the said public body is concerned, shall be guilty of a misdemeanor.

(2.) Every person who shall by himself or by or in conjunction with any other person corruptly give, promise, or offer any gift, loan, fee, reward,

or advantage whatsoever to any person, whether for the benefit of that person or of another person, as an inducement to or reward for or otherwise on account of any member, officer, or servant of any public body as in this Act defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body as aforesaid is concerned, shall be guilty of a misdemeanor.

2. *Penalty for offences.*] Any person on conviction for offending as aforesaid shall, at the discretion of the court before which he is convicted,—

(a.) be liable to be imprisoned for any period not exceeding two years, with or without hard labour, or to pay a fine not exceeding five hundred pounds, or to both such imprisonment and such fine; and

(b.) in addition be liable to be ordered to pay to such body, and in such manner as the court directs, the amount or value of any gift, loan, fee, or reward received by him or any part thereof; and

(c.) be liable to be adjudged incapable of being elected or appointed to any public office for seven years from the date of his conviction, and to forfeit any such office held by him at the time of his conviction; and

(d.) in the event of a second conviction for a like offence he shall, in addition to the foregoing penalties, be liable to be adjudged to be for ever incapable of holding any public office, and to be incapable for seven years of being registered as an elector, or voting at an election either of members to serve in Parliament or of members of any public body, and the enactments for preventing the voting and registration of persons declared by reason of corrupt practices to be incapable of voting shall apply to a person adjudged in pursuance of this section to be incapable of voting; and

(e.) if such person is an officer or servant in the employ of any public body upon such conviction he shall, at the discretion of the court, be liable to forfeit his right and claim to any compensation or pension to which he would otherwise have been entitled.

3. *Savings.*] (1.) Where an offence under this Act is also punishable under any other enactment, or at common law, such offence may be prosecuted and punished either under this Act, or under the other enactment, or at common law, but so that no person shall be punished twice for the same offence.

(2.) A person shall not be exempt from punishment under this Act by reason of the invalidity of the appointment or election of a person to a public office.

4. *Restriction on prosecution.*] (1.) A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney General.

(2.) In this section the expression "Attorney General" means the Attorney or Solicitor General for England, and as respects Scotland means the Lord Advocate, and as respects Ireland means the Attorney or Solicitor General for Ireland.

5. *Expenses of prosecution.*] The expenses of the prosecution of an offence against this Act shall be defrayed in like manner as in the case of a felony.

6. *Jurisdiction of quarter sessions.*] A court of general or quarter sessions shall in England have jurisdiction to inquire of, hear, and determine an offence under this Act.

7. *Interpretation.*] In this Act—

The expression "public body" means any council of a county or county of a city or town, any council of a municipal borough, also any board, commissioners, select vestry, or other body which has power to act under and for the purposes of any Act relating to local government, or the public health, or to poor law or otherwise to administer money raised by rates in pursuance of any public general Act, but does not include any public body as above defined existing elsewhere than in the United Kingdom:

The expression "public office" means any office

or employment of a person as a member, officer, or servant of such public body:
The expression "person" includes a body of persons, corporate or unincorporate:
The expression "advantage" includes any office or dignity, and any forbearance to demand any money or money's worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent, or influence, and also includes any promise or procurement of or agreement or endeavour to procure, or the holding out of any expectation of any gift, loan, fee, reward, or advantage, as before defined.

8. *Application of Act to Scotland.* In the application of this Act to Scotland the sheriff and sheriff substitute shall have jurisdiction to try any offence under this Act; and

The expression "misdemeanor" shall mean "crime and offence"; and

The expression "municipal borough" shall mean any "burgh."

9. 50 & 51 Vict. c. 20 not to apply to trial under Act.] The provisions of the Criminal Law and Procedure (Ireland) Act, 1887, shall not apply to any trial under the provisions of this Act.

10. *Short title.* This Act may be cited as the Public Bodies Corrupt Practices Act, 1889.

CHAPTER 70.

[*Appropriation Act*, 1889.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety, and to appropriate the Supplies granted in this Session of Parliament.

[30th August 1889.]

CHAPTER 71.

[*Public Works Loans Act*, 1889.]

An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

[30th August 1889.]

CHAPTER 72.

[*Infectious Disease (Notification) Act*, 1889.]

An Act to provide for the Notification of Infectious Disease to Local Authorities.

[30th August 1889.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Infectious Disease (Notification) Act, 1889.

2. *Extent of Act.* This Act shall extend—

(a) to every London district after the expiration of two months from the passing of this Act, and

(b) to any urban, rural, or port sanitary district after the adoption thereof.

3. *Notification of infectious disease.* (1.) Where an inmate of any building used for human habitation within a district to which this Act extends is suffering from an infectious disease to which this Act applies, then, unless such building is a hospital in which persons suffering from an infectious disease are received, the following provisions shall have effect, that is to say:—

(a.) the head of the family to which such inmate (in this Act referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the building or being in attendance on the patient, and in default of such relatives every person in charge of or in attendance on the patient, and in default of any such person the occupier of the building shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this Act applies, send notice thereof to the medical officer of health of the district:

(b.) every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this Act applies, send to the medical officer of health for the district a certificate stating

the name of the patient, the situation of the building, and the infectious disease from which, in the opinion of such medical practitioner, the patient is suffering.

(2.) Every person required by this section to give a notice or certificate who fails to give the same shall be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding forty shillings;

Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

4. *As to forms and case of several medical practitioners.* (1.) The Local Government Board may from time to time prescribe forms for the purpose of certificates under this Act, and any forms so prescribed shall be used in all cases to which they apply.

(2.) The local authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same, and shall pay to every medical practitioner for each certificate duly sent by him in accordance with this Act a fee of two shillings and sixpence if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(3.) Where in any district of a local authority there are two or more medical officers of health of such authority a certificate under this Act shall be given to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the local authority may from time to time direct.

5. *Adoption of Act in urban or rural district.* (1.) The local authority of any urban, rural, or port sanitary district may adopt this Act by a resolution passed at a meeting of such authority; and fourteen clear days at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every member of the local authority, and the notice shall be deemed to have been duly given to a member if it is either

(a.) given in the mode in which notices to attend meetings of the local authority are usually given, or

(b.) where there is no such mode, then signed by the clerk of the local authority and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter addressed to the member at his usual or last known place of abode in England.

(2.) A resolution adopting this Act shall be published by advertisement in a local newspaper, and by handbills, and otherwise in such manner as the local authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution as the local authority may fix, and upon its coming into operation this Act shall extend to the district.

(3.) A copy of the resolution shall be sent to the Local Government Board when it is published.

6. *Definition of infectious disease.* In this Act the expression "infectious disease to which this Act applies" means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued, or puerperal, and includes as respects any particular district any infectious disease to which this Act has been applied by the local authority of the district in manner provided by this Act.

7. *Power to local authority to extend definition of infectious disease.* (1.) The local authority of any district to which this Act extends may, from time to time, by a resolution passed at a meeting of such authority where the like special notice of the meeting and of the intention to propose the resolution has been given as is required in the case of a meeting held for adopting this Act, order that this

Act shall apply in their district to any infectious disease other than a disease specifically mentioned in this Act.

(2.) Any such order may be permanent or temporary, and, if temporary, the period during which it is to continue in force shall be specified therein, and any such order may be revoked or varied by the local authority which made the same.

(3.) An order under this section and the revocation and variation of any such order shall not be of any validity until approved by the Local Government Board.

(4.) When it is so approved, the local authority shall give public notice thereof by advertisement in a local newspaper and by handbills, and otherwise in such manner as the local authority think sufficient for giving information to all persons interested. They shall also send a copy thereof to each registered medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district.

(5.) The said order shall come into operation at such date not earlier than one week after the publication of the first advertisement of the approved order as the local authority may fix, and upon such order coming into operation, and during the continuance thereof, an infectious disease mentioned in such order shall, within the district of the authority, be an infectious disease to which this Act applies.

(6.) In the case of emergency three clear days' notice under this section shall be sufficient, and the resolution shall declare the cause of such emergency and shall be for a temporary order, and a copy thereof shall be forthwith sent to the Local Government Board and advertised, and the order shall come into operation at the expiration of one week from the date of such advertisement, but unless approved by the Local Government Board shall cease to be in force at the expiration of one month after it is passed, or any earlier date fixed by the Local Government Board.

(7.) The approval of the Local Government Board shall be conclusive evidence that the case was one of emergency.

8. *Notices and certificates.* (1.) A notice or certificate for the purposes of this Act shall be in writing or print, or partly in writing and partly in print; and for the purposes of this Act the expression "print" includes any mechanical mode of reproducing words.

(2.) A notice or certificate to be sent to a medical officer of health in pursuance of this Act may be sent by being delivered to the officer or being left at his office or residence, or may be sent by post addressed to him at his office or at his residence.

9. *Expenses.* Any expenses incurred by a local authority in the execution of this Act shall be paid as part of the expenses of such authority in the execution of the Acts relating to public health and in the case of a rural authority shall be general expenses.

10. *Repayment of expenses in London as expenses of managers of asylum district.* Where a medical officer of health receives in pursuance of this Act a certificate of a medical practitioner relating to a patient within the metropolitan asylum district, he shall within twelve hours after such receipt forward a copy thereof to the managers of that district, and those managers shall repay to the local authority the amounts paid by that authority in respect of those certificates of which copies have been sent to the managers as required by this section, and shall repay those amounts out of the fund out of which the general expenses of the managers are paid. The managers shall send weekly to the London County Council such return of the infectious diseases of which they receive certificates in pursuance of this Act as the London County Council from time to time require.

11. *Non-disqualification of medical officer by receipt of fees.* A payment made to any medical practitioner in pursuance of this Act shall not disqualify that practitioner for serving as member of the council of any county or borough, or as member of a sanitary authority, or as guardian of a union or in any municipal or parochial office.

Where a medical practitioner attending on a patient is himself the medical officer of health of the district, he shall be entitled to the fee to

which he would be entitled if he were not such medical officer.

12. *Application of Act to Woolwich.* This Act shall apply to the Local Board of Woolwich in like manner as if it were a vestry under the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], and that board shall appoint and pay a medical officer of health, and all enactments relating to medical officers of health within the administrative county of London shall apply to the medical officer of health of Woolwich.

13. *Application of Act to vessels, tents, &c.* (1.) The provisions of this Act shall apply to every ship, vessel, boat, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a building.

(2.) A ship, vessel, or boat, lying in any river, harbour, or other water not within the district of any local authority within the meaning of this Act shall be deemed for the purposes of this Act to be within the district of such local authority as may be fixed by the Local Government Board, and where no local authority has been fixed, then of the local authority of the district which nearest adjoins the place where such ship, vessel, or boat is lying.

(3.) This section shall not apply to any ship, vessel, or boat belonging to any foreign Government.

14. *Saving for local Act.* Where this Act is put in force in any district in which there is a local Act for the like purpose as this Act, the enactments of such local Act, so far as they relate to that purpose, shall cease to be in operation.

15. *Exemption of Crown buildings.* Nothing in this Act shall extend to any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof.

16. *Definitions.* In this Act—

The expression "local authority" means each of the following authorities; that is to say,—

(a) the Commissioners of Sewers in the City of London;

(b) the vestry under the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], of a parish in Schedule A, and the district board of a district in Schedule B to the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1885 [48 & 49 Vict. c. 33], and the Metropolis Management (Battersea and Westminster) Act, 1887 [50 & 51 Vict. c. 17];

(c) an urban or rural sanitary authority in England within the meaning of the Public Health Acts; and

(d) the port sanitary authority of any port sanitary district in England.

The expression "London district" means the City of London or the parish or district mentioned in Schedule A. or Schedule B. of the Metropolis Management Act, 1855, for which a local authority is elected:

The expression "urban or rural district" means the district for which any such urban or rural sanitary authority is elected:

The expression "port sanitary district" means the port sanitary district of London and any port or part of a port for which a port sanitary authority has been constituted under the Public Health Acts, and any such port sanitary district shall form no part, for the purposes of this Act, of any urban or rural district:

The expression "occupier" includes a person having the charge, management or control of a building, or of the part of a building in which the patient is, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either as his own account or as the agent of another person, and in the case of a ship, vessel, or boat, the master or other person in charge thereof.

17. *Application of Act to Scotland.* In the application of this Act to Scotland—

The expression "Local Government Board" shall mean Board of Supervision:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act amending the same:

The expression "local authority" shall mean the local authority as defined by the Public Health (Scotland) Act, 1867, and any Act amending the same:

The expression "England" in section five shall mean Scotland:

The powers contained in this Act shall be in addition to and not in lieu of any powers existing in any local authority by virtue of any general or local Act.

18. *Application of Act to Ireland.* This Act shall apply to Ireland, with the following modifications:

(1.) In this Act, unless the context otherwise requires—

The expression "Local Government Board" means the Local Government Board for Ireland:

The expression "local authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52]:

The word "district" means urban sanitary district or rural sanitary district, as the case may be, within the meaning of the said Act:

The expression "clerk of the local authority" includes, in the case of an urban sanitary authority, town clerk and secretary:

(2.) References to a place of abode in England shall be construed to refer to a place of abode in Ireland.

(3.) Offences under this Act may be prosecuted, and fines under this Act may be recovered, in manner directed by the Summary Jurisdiction Acts, before a court of summary jurisdiction constituted in the manner mentioned in the two hundred and forty-ninth section of the Public Health (Ireland) Act, 1878.

CHAPTER 73.

[*Merchant Shipping (Colours) Act, 1889.*]

An Act to amend the Law relating to the use of Flags in the British Merchant Service.

[30th August 1889.]

Be it enacted, &c.:

1. *Explanation of law as to national colours for ships.* The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any subject of Her Majesty, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

2. *Penalty on ship not showing colours.* (1.) A ship belonging to any subject of Her Majesty shall, on a signal being made to her by one of Her Majesty's ships, and on entering or leaving any foreign port, and if of fifty tons gross tonnage or upwards shall also on entering or leaving any British port, hoist the proper national colours.

(2.) If default is made on board any such ship in complying with the requirements of this section, the master of the ship shall incur a penalty not exceeding one hundred pounds.

Provided that this section shall not apply to any sea fishing boat duly registered, lettered, and marked as required by the Acts relating to the sea fisheries.

3. *Amendment of section 105 of the Merchant Shipping Act, 1854.* (1.) Any penalty incurred under section one hundred and five of the Merchant Shipping Act, 1854, in respect of the improper hoisting of colours or of a pendant on board any ship or boat belonging to any subject of Her Majesty, with the costs of recovering the penalty, may be recovered in Her Majesty's High Court of Justice in England or Ireland, or in the Court of Session in Scotland, or in any Vice-Admiralty Court within Her Majesty's dominions.

(2.) Any offence mentioned in that section may also be prosecuted, and the penalty for it recovered,

in the same manner as if the offence were an offence declared by the Merchant Shipping Act, 1854, to be punishable by a penalty not exceeding one hundred pounds.

Provided as follows:

(a.) Where any such offence is prosecuted as last aforesaid the Court imposing the penalty shall not impose a higher penalty than one hundred pounds; and

(b.) Nothing in this section shall authorise the imposition of more than one penalty in respect of the same offence.

4. *Definition of Her Majesty's ships.* The expression "one of Her Majesty's ships" includes any vessel being under the command of an officer of Her Majesty's Navy on full pay.

5. *Saving for Admiralty.* Nothing in this Act shall affect any power of the Admiralty in respect of the red ensign usually worn by merchant ships.

6. *Title and construction of Act.* This Act may be cited as the Merchant Shipping (Colours) Act, 1889, and shall be construed as one with the Merchant Shipping Acts, 1854 to 1887, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1854 to 1889.

CHAPTER 74.

[*Steam Trawling (Ireland) Act, 1889.*]

An Act to enable the Inspectors of Irish Fisheries to prohibit Steam Trawling within a certain distance of the Coast of Ireland.

[30th August 1889.]

CHAPTER 75.

[*Parliamentary Grant (Caithness and Sutherland) Act, 1889.*]

An Act to amend the Law in regard to Annual Parliamentary Grants in the Counties of Caithness and Sutherland.

[30th August 1889.]

CHAPTER 76.

[*Technical Instruction Act, 1889.*]

An Act to facilitate the Provision of Technical Instruction.

[30th August 1889.]

Be it enacted, &c.:

1. *Power for local authority to supply or aid the supply of technical instruction.* (1.) A local authority may from time to time out of the local rate supply or aid the supply of technical or manual instruction, to such extent and on such terms as the authority think expedient, subject to the following restrictions, namely:—

(a.) The local authority shall not out of the local rate supply or aid the supply of technical or manual instruction to scholars receiving instruction at an elementary school in the obligatory or standard subjects prescribed by the minutes of the Education Department for the time being in force.

(b.) It shall not be required, as a condition of any scholar being admitted into or continuing in any school aided out of the local rate, and receiving technical or manual instruction under this Act that he shall attend at or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere: Provided that in any school, the erection of which has been aided under this Act, it shall not be required, as a condition of any scholar being admitted into or continuing in such school, that he shall attend at or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere;

(c.) No religious catechism or religious formulary, which is distinctive of any particular denomination, shall be taught at any school aided out of the local rate, to a scholar attending only for the purposes of technical

or manual instruction under this Act, and the times for prayer or religious worship, or for any lesson or series of lessons on a religious subject, shall be conveniently arranged for the purpose of allowing the withdrawal of such scholar therefrom;

- (d.) A local authority may, on the request of the school board for its district or any part of its district, or of any other managers of a school or institution within its district for the time being in receipt of aid from the Department of Science and Art, make, out of any local rate raised in pursuance of this Act, to such extent as may be reasonably sufficient, having regard to the requirements of the district, but subject to the conditions and restrictions contained in this section, provision in aid of the technical and manual instruction for the time being supplied in schools or institutions within its district, and shall distribute the provision so made in proportion to the nature and amount of efficient technical or manual instruction supplied by those schools or institutions respectively;

Where such other managers of a school or institution receive aid from a local authority in pursuance of this section, the local authority shall, for the purposes of this Act, be represented on the governing body of the school or institution in such proportion as will, as nearly as may be, correspond to the proportion which the aid given by the local authority bears to the contribution made from all sources other than the local rate and money provided by Parliament to the cost of the technical or manual instruction given in the school or institution aided;

- (f) If any question arises as to the sufficiency of the provision made under this section, or as to the qualification of any school or institution to participate in any such provision, or as to the amount to be allotted to each school or institution, or as to the extent to which, or mode in which, the local authority is to be represented on the governing body of any such school or institution, the question shall be determined by the Department of Science and Art: Provided that no such provision, out of any rate raised in pursuance of this Act, shall be made in aid of technical or manual instruction in any school conducted for private profit; and

- (g.) The amount of the rate to be raised in any one year by a local authority for the purposes of this Act shall not exceed the sum of one penny in the pound.

- (2.) A local authority may for the purposes of this Act appoint a committee consisting either wholly or partly of members of the local authority, and may delegate to any such committee any powers exercisable by the authority under this Act, except the power of raising a rate or borrowing money.

- (3.) Nothing in this Act shall be construed so as to interfere with any existing powers of school

boards with respect to the provision of technical and manual instruction.

2. *Provision for entrance examination.* It shall be competent for any school board or local authority, should they think fit, to institute an entrance examination for persons desirous of attending technical schools or classes under their management or to which they contribute.

3. *Parliamentary grants in aid of technical instruction.* The conditions on which parliamentary grants may be made in aid of technical or manual instruction shall be those contained in the minutes of the Department of Science and Art in force for the time being.

4. *Provisions as to local authorities.* (1.) For the purposes of this Act the expression "local authority" shall mean the council of any county or borough, and any urban sanitary authority within the meaning of the Public Health Acts.

(2.) The local rate for the purposes of this Act shall be—

- (a.) In the case of a county council, the county fund;
(b.) In the case of a borough council, the borough fund or borough rate;
(c.) In the case of an urban sanitary authority not being a borough council, the district fund and general district rate, or other fund or rate applicable to the general purposes of the Public Health Acts;

(3.) A county council may charge any expenses incurred by them under this Act on any part of their county for the requirements of which such expenses have been incurred.

(4.) A local authority may borrow for the purposes of this Act—

- (a.) In the case of a county council, in manner provided by the Local Government Act, 1888 [51 & 52 Vict. c. 41];
(b.) In the case of a borough council, as if the purposes of this Act were purposes for which they are authorised by section one hundred and six of the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], to borrow;
(c.) In the case of an urban sanitary authority not being a borough council, as if the purposes of this Act were purposes for which they are authorised to borrow under the Public Health Acts.

5. *Audit of accounts of aided schools.* Where the managers of a school or institution receive aid from a local authority in pursuance of this Act, they shall render to the local authority such accounts relating to the application of the money granted in aid, and those accounts shall be verified and audited in such manner as the local authority may require, and the managers shall be personally liable to refund to the local authority any money granted under this Act, and not shewn to be properly applied for the purposes for which it was granted.

6. *Audit of accounts of urban sanitary authority.* The accounts of the receipts and expenditure of an urban sanitary authority under this Act shall be

audited in like manner, and with the like incidents and consequences, as the accounts of their receipts and expenditure under the Public Health Act, 1875.

7. *Application of the Act to Ireland.* In the application of this Act to Ireland—

- (1.) The expression "local authority" shall mean the urban or rural sanitary authority, as the case may be, within the meaning of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52].

- (2.) The local rate for the purposes of this Act shall be—

(a) in the case of an urban sanitary authority, the rate or fund applicable to the expenses incurred or payable by such authority in the execution of the Public Health (Ireland) Act, 1878, under the provisions of the said Act;

(b) in the case of a rural sanitary authority, the rate or rates out of which special expenses incurred in respect of any contributory place or places are payable under the provisions of the said Act.

- (3.) A local authority may borrow for the purposes of this Act as if the purposes of this Act were purposes for which the sanitary authority are authorised to borrow under the Public Health (Ireland) Act, 1878.

- (4.) Any reference to the Public Health Act, 1875, shall be construed as a reference to the Public Health (Ireland) Act, 1878.

8. *Meaning of technical and manual instruction.* In this Act—

The expression "technical instruction" shall mean instruction in the principles of science and art applicable to industries, and in the application of special branches of science and art to specific industries or employments. It shall not include teaching the practice of any trade or industry or employment, but, save as aforesaid, shall include instruction in the branches of science and art with respect to which grants are for the time being made by the Department of Science and Art, and any other form of instruction (including modern languages and commercial and agricultural subjects), which may for the time being be sanctioned by that Department by a minute laid before Parliament and made on the representation of a local authority that such a form of instruction is required by the circumstances of its district.

The expression "manual instruction" shall mean instruction in the use of tools, processes of agriculture, and modelling in clay, wood, or other material.

9. *Extent of Act.* This Act shall not extend to Scotland.

10. *Short title.* This Act may be cited as the Technical Instruction Act, 1889.

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